

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 20 NUMBER 193

Washington, Tuesday, October 4, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraphs (15) (16) (17) (18) and (19) are added to paragraph (1) of § 6.310 as set out below.

§ 6.310 *Department of the Interior.*
* * *

(1) *Office of Territories.* * * *

(15) Commissioner, Alaska Road Commission.

(16) One Special Assistant to the Governor of Alaska.

(17) One Special Assistant to the Governor of Alaska for Economic Affairs.

(18) One Clerical Assistant to the Governor of Alaska.

(19) Two Household Assistants to the Governor of Alaska.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WIL. C. HULL,
Executive Assistant.

[F. R. Doc. 55-8007; Filed, Oct. 3, 1955; 8:53 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

SAVINGS DEPOSIT WITHOUT PASSEBOOK

§ 217.111 *Savings deposit without passbook.* (a) The Board has received an inquiry as to whether the proposed use by a national bank of a particular form of "Savings Deposit Receipt" complies with the definition of "savings de-

posit" contained in paragraph (e) of § 217.1, as amended effective May 16, 1955 (20 F. R. 3305).

(b) The purpose of the May 16, 1955, amendment was to permit member banks, at their option, to classify deposits as "savings deposits," although not evidenced by a passbook. However, any such deposit must be evidenced by a written receipt or agreement, and the deposit must be one in respect to which the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made, and withdrawals are permitted only through payment to the depositor himself but not to any other person whether or not acting for the depositor. Furthermore, the amendment made no change in the classes of persons whose deposits may be classified as "savings deposits"

(c) The "Savings Deposit Receipt" in question certifies that a certain sum has been deposited with the bank by a named depositor. It recites that payment of such amount "will be made to the named depositor" plus interest at 2½ percent per annum from date of the deposit, upon surrender of the receipt; that, upon request, interest will be paid and endorsed upon the receipt every six months; and that the bank shall have the option of redeeming the receipt at any time upon six months' written notice to the depositor. The receipt then states that "The bank reserves the right to require thirty days' prior notice in writing before paying this savings deposit receipt." Finally, the receipt states that it is "non-negotiable." It appears that the receipt constitutes the deposit contract between the bank and the named depositor.

(d) The inquiry explained that the national bank intended to use the savings deposit receipt "only in connection with deposits of school districts and any other savings deposits that might qualify under Regulation Q." The Board has indicated in earlier interpretations that deposits of "school districts" may be classified as "savings deposits."

(e) In the circumstances as outlined in this section, including the specific

(Continued on p. 7337)

CONTENTS

Agricultural Marketing Service	Page
Proposed rule making:	
Figs, dried; U. S. standards for grades.....	7373
Rules and regulations:	
Tomatoes grown in Florida; handling.....	7357
Agriculture Department	
See Agricultural Marketing Service; Commodity Stabilization Service.	
Civil Aeronautics Administration	
Proposed rule making:	
Elimination of annual inspection of general aircraft; miscellaneous amendments.....	7377
Civil Aeronautics Board	
Notices:	
Hearings, etc..	
Cedar Rapids, Iowa, et al.....	7384
North Central Airlines, Inc., permanent certification case.....	7384
Ozark Air Lines, Inc.....	7384
Riddle Airlines, Inc., north-south air freight renewal case.....	7384
Trans World Airlines, Inc.....	7384
Proposed rule making:	
Elimination of annual inspection of general aircraft.....	7380
Civil Service Commission	
Rules and regulations:	
Competitive service, exceptions from; Interior Department...	7355
Commerce Department	
See Civil Aeronautics Administration; Foreign Commerce Bureau.	
Commodity Stabilization Service	
Rules and regulations:	
Sugar: proration of 1955 quota for foreign countries other than Cuba and Republic of the Philippines; correction.....	7357
Sugarcane, Puerto Rico; 1952-53 and 1953-54 crops; correction.....	7357
Customs Bureau	
Proposed rule making:	
Drawback; foreign-trade zones.....	7372



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS (For use during 1955)

The following Supplements are now available:

Title 32: Parts 400-699 (\$5.75)
Parts 800-1099 (\$5.00)
Part 1100 to end (\$4.50)
Title 43 (Revised, 1954) (\$6.00)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 6 (\$2.00); Title 7: Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) (\$2.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32: Parts 1-399 (\$4.50); Parts 700-799 (\$3.75); Title 32A, Revised December 31, 1954 (\$1.50); Title 33 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Part 146 to end (\$1.25); Titles 47-48 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Customs Bureau—Continued		Page
Rules and regulations:		
Articles conditionally free, subject to reduced rate, etc:		
American goods returned.....	7363	
Exemptions for returning residents.....	7363	
Defense Mobilization Office		
Notices:		
Expansion goals:		
Aircraft, commercial.....	7387	
Alkylate.....	7388	
Chromite, chemical grade.....	7387	
Copper.....	7387	
Electric power.....	7387	
Freight cars.....	7387	
Glycerin.....	7387	
Laboratories, research and development.....	7388	
Manganese ore, battery and chemical grades.....	7388	
Mercury.....	7387	
Petroleum, domestic, refining capacity.....	7387	
Pipelines, oil and gas, and petroleum storage facilities.....	7388	
Rutile.....	7388	
Selenium.....	7388	
Switchgear, high voltage.....	7387	
Transformers, distribution.....	7387	
Rules and regulations:		
Expansion goals for tax amortization.....	7370	
Policy for establishment.....	7369	

Federal Civil Defense Administration		
Rules and regulations:		
Survival Plan Projects.....	7366	
Federal Communications Commission		
Notices:		
Hearings, etc..		
Arcall, Inc., and Telephone Answering Service.....	7384	
Bollinger, Robert E., et al....	7385	
Cerritos Broadcasting Co. et al.....	7385	
Niagara Broadcasting System (WNIA).....	7384	
Federal Power Commission		
Notices:		
Hearings, etc..		
Cone, Gordon M., et al.....	7385	
Dorchester Corp.....	7386	
Jackson Brothers.....	7385	
Olin Gas Transmission Corp.....	7386	
Tennessee Gas Transmission Co.....	7386	
Federal Reserve System		
Rules and regulations:		
Payment of interest on deposits; savings deposit without pass-book.....	7355	
Federal Trade Commission		
Notices:		
Steel bobby pin and hair pin manufacturing industry; trade practice conference.....	7386	
Rules and regulations:		
Merit Pharmacal Co. et al., cease and desist order.....	7362	

CONTENTS—Continued

Fish and Wildlife Service		Page
Rules and regulations:		
Southeastern Alaska Area, Western District; salmon fisheries; additional fishing time.....	7371	
Taking animals, birds and game fishes; miscellaneous amendments.....	7371	
Food and Drug Administration		
Rules and regulations:		
Federal Import Milk Act, enforcement of; miscellaneous amendments.....	7364	
Foreign Commerce Bureau		
Notices:		
Zemanek & Co., Ltd. et al., temporary denial of export privileges.....	7383	
Health, Education, and Welfare Department		
See Food and Drug Administration.		
Indian Affairs Bureau		
Rules and regulations:		
Leases of undivided inherited Indian lands.....	7364	
Licensed Indian traders; miscellaneous amendments.....	7364	
Interior Department		
See Fish and Wildlife Service; Indian Affairs Bureau.		
Interstate Commerce Commission		
Notices:		
Atlantic and East Carolina Railway Co., rerouting or diversion of traffic.....	7389	
New England motor rate increases, 1955.....	7389	
Rules and regulations:		
Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks.....	7370	
Labor Department		
See Wage and Hour Division..		
Securities and Exchange Commission		
Notices:		
Hearings, etc..		
Metal & Mines Co.....	7388	
Union Electric Co. of Missouri and Union Electric Power Co.....	7388	
Treasury Department		
See Customs Bureau.		
Wage and Hour Division		
Rules and regulations:		
Puerto Rican industries:		
Baking products.....	7366	
Cigar and cigarette.....	7364	
Communications and utilities; telephone, radio and television broadcasting, and gas utility divisions.....	7366	
Tobacco.....	7364	
Vegetable, fruit, and nut packing and processing.....	7366	

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapter I:	
Part 6	7355
Title 7	
Chapter I:	
Part 52 (proposed)	7373
Chapter VIII:	
Part 811	7357
Part 857	7357
Chapter IX:	
Part 945	7357
Title 12	
Chapter II:	
Part 217	7355
Title 14	
Chapter I:	
Part 1 (proposed) (2 documents)	7377, 7380
Part 18 (proposed) (2 documents)	7377, 7380
Part 24 (proposed) (2 documents)	7377, 7380
Part 42 (proposed)	7380
Part 43 (proposed) (2 documents)	7377, 7380
Part 52 (proposed)	7380
Title 16	
Chapter I:	
Part 13	7362
Title 19	
Chapter I:	
Part 10 (2 documents)	7363
Part 22 (proposed)	7372
Title 21	
Chapter I:	
Part 185	7364
Title 25	
Chapter I:	
Part 189	7364
Part 276	7364
Title 29	
Chapter V:	
Part 657	7364
Part 671	7365
Part 673	7365
Part 693	7364
Part 696	7365
Part 698	7365
Title 32	
Chapter XVII:	
Part 1705	7366
Title 32A	
Chapter I (ODM)	
DMO III-1, Supp. 1	7369
DMO VII-6, Supp. 3	7370
Title 49	
Chapter I:	
Part 95	7370
Title 50	
Chapter I:	
Part 46	7371
Part 118	7371

limitation in the savings deposit receipt that "Payment will be made to the named depositor," the Board is of the view that a deposit represented by the receipt described may be classified as a "savings deposit" under this part.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 218. Interpretations or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 103, as amended; 12 U. S. C. 204, 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 55-7970; Filed, Oct. 3, 1955;
8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

[Sugar Determinations 857.5, Amdt. 3; 857.6, Amdt. 1]

PART 857—SUGARCANE, PUERTO RICO

Corrections

In F. R. Docs. 55-7953 and 55-7956 appearing at page 7323 of the issue for Saturday, October 1, 1955, the signatures should read "True D. Morse, Acting Secretary of Agriculture."

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 945—TOMATOES GROWN IN FLORIDA

ORDER REGULATING HANDLING

Sec. 945.0 Findings and determinations.

DEFINITIONS

945.1 Secretary.
945.2 Act.
945.3 Person.
945.4 Production area.
945.5 Tomatoes.
945.6 Handler.
945.7 Handle.
945.8 Producer.
945.9 Grading.
945.10 Grade and size.
945.11 Pack.
945.12 Maturity.
945.13 Container.
945.14 Varieties.
945.15 Committee.
945.16 Fiscal period.
945.17 District.
945.18 Export.

COMMITTEE

945.22 Establishment and membership.
945.23 Term of office.
945.24 Districts.
945.25 Redistricting.
945.26 Selection.
945.27 Nomination.
945.28 Failure to nominate.
945.29 Acceptance.
945.30 Vacancies.
945.31 Alternate members.
945.32 Procedure.
945.33 Expenses and compensation.
945.34 Powers.
945.35 Duties.

EXPENSES AND AGREEMENTS

945.40 Expenses.
945.41 Budget.
945.42 Agreements.

Sec. 945.43 Accounting.
945.44 Refunds.

RESEARCH AND DEVELOPMENT

945.48 Research and development.

REGULATION

945.50 Marketing policy.
945.51 Recommendations for regulations.
945.52 Issuance of regulations.
945.53 Minimum quantities.
945.54 Shipments for special purposes.
945.55 Notification of regulation.
945.56 Safeguards.

INSPECTION

945.60 Inspection and certification.

EXEMPTIONS

945.70 Procedure.
945.71 Granting exemptions.
945.72 Investigation.
945.73 Appeal.
945.74 Records.

REPORTS

945.80 Reports.

MISCELLANEOUS PROVISIONS

945.81 Compliance.
945.82 Right of the Secretary.
945.83 Effective time.
945.84 Termination.
945.85 Proceedings after termination.
945.86 Effect of termination or amendment.
945.87 Duration of immunities.
945.88 Agents.
945.89 Delegation.
945.90 Personal liability.
945.91 Separability.
945.92 Amendments.

AUTHORITY: §§ 945.0 to 945.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sub. 698c.

§ 945.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 63 Stat. 906, 1047) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at West Palm Beach, Florida, on March 7-10, 1955, upon a proposed marketing agreement and a proposed order regulating the handling of tomatoes grown in Florida. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to tomatoes produced in the production area, (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of

such tomatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such tomatoes as will be in the public interest;

(2) This order regulates the handling of tomatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area, and

(5) All handling of tomatoes as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for making the provisions of this order effective not later than the time hereinafter specified so that the Florida Tomato Committee, the administrative agency provided for in the order can be organized and start to function as soon as possible. In this manner, it will be possible for regulations to be formulated and issued so that producers will be in a position to obtain the benefits of this program on as much of their 1955 crop of tomatoes as is possible.

The provisions of the order are well known to handlers of tomatoes grown in the production area by reason of the following facts: (1) The public hearing, at which evidence was received from the industry and upon which this order is based, was held at West Palm Beach, Florida, March 7-10, 1955; (2) the recommended decision and the final decision were issued on May 27, 1955 (20 F. R. 3760) and July 19, 1955 (20 F. R. 5133) respectively; (3) copies of the regulatory provisions of the order were made available, prior to or during the course of the referendum which was held during the period September 10 through September 20, 1955, to determine whether producers of tomatoes in the production area approved or favored issuance of this order, to all known parties who may be subject thereto; and (4) all known handlers in the production area were mailed a copy of the marketing agreement, the regulatory provisions of which are the same as those contained in this order. Compliance with the regulatory provisions of this order will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

It would be contrary to the public interest to delay the effective date hereof beyond the date hereinafter set forth (5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping tomatoes covered by this order) of more than 50 percent of the volume of tomatoes covered by this order have signed a marketing agreement regulating the handling of tomatoes grown in Florida, and

(2) The issuance of this order is favored or approved, in a referendum held during the period September 10 through September 20, 1955, by producers who, during the determined representative period (July 1, 1954-June 30, 1955) produced for market within the production area specified in this order, at least two-thirds of the volume of tomatoes produced for market within said production area by all producers who participated in the said referendum.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of tomatoes grown in Florida shall be in conformity to and in compliance with the terms and conditions of this order and such terms and conditions are as follows:

DEFINITIONS

§ 945.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 945.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047)

§ 945.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 945.4 *Production area.* "Production area" means all territory in the State of Florida south or east of the Suwannee River.

§ 945.5 *Tomatoes.* "Tomatoes" means all varieties of the edible fruit (*Lycopersicon esculentum*) commonly known as tomatoes and grown within the production area.

§ 945.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

§ 945.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place tomatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided*, That such terms shall not include: (a) The transportation, sale, or delivery of tomatoes by a producer to a handler registered as such with the committee and who has

adequate facilities within the production area for grading; or (b) the transportation to and sale of tomatoes at auction markets designated by the committee. In the event a producer sells tomatoes other than as indicated in paragraphs (a) and (b) of this section, such producer shall be the first handler of such tomatoes.

§ 945.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of tomatoes for market.

§ 945.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, maturities, and packs for market purposes.

§ 945.10 *Grade and size.* "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title) or U. S. Consumer Standards for Fresh Tomatoes (§§ 51.1900 to 51.1913 of this title) both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 945.11 *Pack.* "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title), or any pack of tomatoes recommended by the committee and approved by the Secretary.

§ 945.12 *Maturity.* "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

§ 945.13 *Container.* "Container" means a box, bag, crate, hamper, basket, package, tube, bulk load or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 945.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 945.15 *Committee.* "Committee" means the Florida Tomato Committee, established pursuant to § 945.22.

§ 945.16 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 945.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 945.24, or as reestablished pursuant to § 945.25.

§ 945.18 *Export.* "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 945.22 *Establishment and membership.* (a) The Florida Tomato Committee, consisting of 15 producer members,

is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

§ 945.23 *Term of office.* (a) The term of office of committee members, and their respective alternates, shall be for 1 year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 945.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Broward and Dade in the State of Florida;

District No. 2. The counties of Brevard, Glades, Indian River, Martin, Osceola, Okeechobee, Palm Beach, and St. Lucie in the State of Florida;

District No. 3. The counties of Charlotte, Collier, Hendry, Lee and Monroe in the State of Florida;

District No. 4. The counties of De Soto, Hardee, Highlands, Hillsborough, Manatee, Pinellas, Polk and Sarasota in the State of Florida; and

District No. 5. All the remaining counties within the production area not included in Districts 1, 2, 3, and 4.

§ 945.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 945.26 *Selection.* The Secretary shall select initially 3 members of the committee with their respective alternates, from each district.

§ 945.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations

which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 945.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 945.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 945.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 945.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.31 *Alternate members.* An alternate member of the committee shall

act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 945.32 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 945.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 945.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 945.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 945.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes handled by him as the first handler thereof during a fiscal period and the total quantity of tomatoes handled by all handlers as first handlers thereof during such fiscal period.

§ 945.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 945.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles tomatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other avail-

able information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective whether particular provisions thereof are suspended or become inoperative.

§ 945.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 945.44 *Refunds.* At the end of each fiscal period or other representative period used by the committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him, or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this

order to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 945.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 945.42.

REGULATION

§ 945.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 945.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 945.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 945.50, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this subpart, will tend to effectuate the declared policies of the act.

§ 945.52 *Issuance of regulations.* The Secretary shall limit the handling of tomatoes whenever he finds from the recommendation and information submitted by the Committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period; or

(b) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently, for different varieties, for different stages of maturity, for different portions of the production area, for different containers, for different markets, for different purposes specified in § 945.54, or any combination of the foregoing, during any period; or

(c) Limit the handling of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

§ 945.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 945.42, 945.52, 945.54, 945.60, or any combination thereof.

§ 945.54 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 945.42, 945.52, 945.53, 945.60, or any combination thereof, in order to facilitate handling of tomatoes for the following purposes:

- (a) For export;
- (b) For relief or for charity;
- (c) For processing; or
- (d) For other purposes which may be specified by the committee, with the approval of the Secretary.

§ 945.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 945.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent handling of tomatoes pursuant to § 945.53 or § 945.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship tomatoes pursuant to §§ 945.53 and 945.54; or

(2) Handlers shall obtain inspection provided by § 945.60, or pay the assessment levied pursuant to § 945.42, or both, in connection with shipments made under § 945.54; or

(3) Handlers shall obtain Certificates of Privilege from the committee to handle tomatoes effected or to be effected under the provisions of §§ 945.53 and 945.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that tomatoes handled by him for the purposes

stated in §§ 945.53 and 945.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 945.60 *Inspection and certification.*

(a) During any period in which handling of tomatoes are regulated pursuant to §§ 945.42, 945.52, 945.54, or any combination thereof, no handler shall handle tomatoes unless each such handling is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 945.53, or § 945.54, or both.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such tomatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided*, That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any tomatoes in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such tomatoes meet the applicable quality and other standards then in effect.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 945.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 945.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 945.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire

season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 945.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 945.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 945.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of tomatoes covered by such exemption certificates, a record of the amount of tomatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right, to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 945.70, 945.71, 945.72, 945.73, or any combination thereof.

REPORTS

§ 945.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of tomatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such tomatoes; and (4) identification of

the inspection certificates and the exemption certificates, if any, pursuant to which the tomatoes were handled, together with the destination of each exempted disposition, and of all tomatoes handled pursuant to §§ 945.53 and 945.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the tomatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 945.81 *Compliance.* Except as provided in this subpart, no handler shall handle tomatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle tomatoes except in conformity to the provisions of this subpart.

§ 945.82 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 945.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 945.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the

production for market of tomatoes: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 945.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 945.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 945.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 945.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 945.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 945.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 945.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 945.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C., this 29th day of September 1955, to become effective on and after 12:01 a. m., e. s. t., October 8, 1955.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8010; Filed, Oct. 3, 1955;
8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6314]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MERIT PHARMACAL CO. ET AL.

Subpart—*Advertising falsely or misleadingly: § 13.170 Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of "X-TRON" preparations or of any preparations of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., the purchase in commerce, of said preparations, which advertisements represent directly or by implication that the use of said preparations will: (a) Cause the permanent elimination of dandruff, itching or irritation of the scalp; (b) stop excessive hair fall; (c) have any effect in preventing or overcoming baldness; and (d) induce the growth of new hair; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 46) [Cease and desist order, Merit Pharmacal Company (Chicago, Ill.) et al., Docket 6314, August 31, 1955]

In the Matter of Merit Pharmacal Company, a Corporation, and A. B. Marks, M. A. Marks and A. Skadler Individually and as Officers of Merit Pharmacal Company and Doing Business as Apex Pharmacal Company and as Apex Pharmacal Distributing Company and Anthony J. Kemp, Individually

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondents with false and misleading advertising in connection with the offer and sale of their "X-Tron" hair preparations; and upon a stipulation between the parties which provided for entry of a consent order and which appears of record.

By the terms of said stipulation, all respondents admitted all the jurisdictional allegations set forth in the complaint; stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; and stipulated that the agreement was for settlement purposes only and did not constitute an admission by respondents that they had engaged in any violation of law and the parties to such stipulation expressly waived the filing of an answer; a hearing before the hearing examiner or the Commission; the making of findings of fact or conclusions of law by either; the filing of exceptions or oral argument before the Commission, and all other and further procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission.

Respondents further agreed in said stipulation that the order to be entered should have the same force and effect as if made after full hearing, presentation of evidence and findings and conclusions thereon, and specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation, and said stipulation further provided that it, together with the complaint, might be used in construing the terms of the aforementioned order, which order might be altered, modified, or set aside in the manner provided by statute for the orders of the Commission, and that said stipulation was subject to approval in accordance with Rules V and XXII of the Commission's Rules of Practice and that said order should have no force and effect unless and until it became the order of the Commission.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, and, on the basis thereof, concluded that the proceeding was in the public interest and in conformity with the action contemplated and agreed upon by said stipulation made his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance" dated August 31, 1955, became, on said date, pursuant to § 3.21 of the Commis-

sion's Rules of Practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondent Merit Pharmacal Company, a corporation, and its officers and respondents A. B. Marks, M. A. Marks and A. Skadler, individually and as officers of said corporation, and doing business as Apex Pharmacal Company and as Apex Pharmacal Distributing Company, or under any other name or names, and Anthony J. Kemp, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of X-TRON preparations or of any preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1 Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that the use of said preparations will:

- (a) Cause the permanent elimination of dandruff, itching or irritation of the scalp;
- (b) Stop excessive hair fall;
- (c) Have any effect in preventing or overcoming baldness;
- (d) Induce the growth of new hair.

2. Disseminating or causing to be disseminated by any means, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in subparagraphs (a) (b) (c), or (d) of paragraph 1 hereof.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 31, 1955.

By the Commission.

[SEAL] ROBERT M. PARNISH,
Secretary.

[F. R. Doc. 55-7872; Filed, Oct. 3, 1955; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury
[T. D. 53909]

PART 10—ARTICLES CONDITIONALLY FREE,
SUBJECT TO A REDUCED RATE, ETC.

AMERICAN GOODS RETURNED

Section 10.3 (b) Customs Regulations,
pertaining to the collection of duty equal

to drawback on articles of American manufacture or production exported from the United States and returned, amended.

In view of further information received indicating that the duty assessment listed for rock bits does not represent the fair average amount of drawback allowed on such articles, § 10.3 (b) of the Customs Regulations is amended by deleting "Bits, rock (oil well drilling)—58 cents each"

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 201 (par. 1615), 46 Stat. 674, as amended; 19 U. S. C. 1201 (par. 1615))

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 26, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.
[F. R. Doc. 55-8993; Filed, Oct. 3, 1955; 8:52 a. m.]

[T. D. 53933]

PART 10—ARTICLES CONDITIONALLY FREE,
SUBJECT TO A REDUCED RATE, ETC.

EXEMPTIONS FOR RETURNING RESIDENTS

There is a limited instance in which alcoholic beverages and cigars may be entitled to entry free of duty and tax under the \$300 exemption for returning residents of the United States provided for in paragraph 1793 (c) (2) (B) of the Tariff Act of 1930, as amended. To clarify the regulations in this respect, § 10.17 (d) of the Customs Regulations is amended to read as follows:

(d) *Tobacco products, alcoholic beverages, and foodstuffs.* Cigarettes, manufactured tobacco, and foodstuffs may be included in the exemptions to which a returning resident is entitled, but not more than 100 cigars nor an aggregate of over 1 wine gallon of alcoholic beverages may be included in such exemptions. If a returning resident is entitled to both the \$200 and the \$300 exemptions, any cigars or alcoholic beverages entitled to exemption shall be included in the \$200 exemption. If the resident is not entitled to the \$200 exemption (by reason of having claimed that exemption within the 30 days immediately preceding his arrival) but is entitled to the \$300 exemption, not more than the above-stated quantities of cigars and alcoholic beverages may be allowed free entry under the \$300 exemption if the resident did not claim exemption for any such articles under the last exemption he received under paragraph 1793 (c) (2) (A). The maximum of 1 wine gallon of alcoholic beverages may include more than one kind of beverage.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 201 (par. 1793), 46 Stat. 633, as amended; 19 U. S. C. 1201 (par. 1793))

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: September 27, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.
[F. R. Doc. 55-7193; Filed, Oct. 3, 1955; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****PART 185—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL IMPORT MILK ACT****MISCELLANEOUS AMENDMENTS**

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Import Milk Act (sec. 3, 44 Stat. 1102; 21 U. S. C. 143) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for the enforcement of the act (21 CFR Part 185) are amended by rewording §§ 185.6, 185.7, and 185.8 to read as follows:

§ 185.6 *Evaporated milk.* Evaporated milk conforms to the definition and standard of identity for such food as set out in § 18.520 of this chapter.

§ 185.7 *Sweetened condensed milk.* Sweetened condensed milk conforms to the definition and standard of identity for such food as set out in § 18.530 of this chapter.

§ 185.8 *Pasteurization.* Pasteurization is the process of heating every particle of milk or cream to at least 143° F., and holding it at such temperature continuously for at least 30 minutes, or to at least 161° F., and holding it at such temperature continuously for at least 15 seconds.

Notice and public procedure upon these amendments are impracticable and unnecessary since the amendments are made to conform the regulations under the Federal Import Milk Act to those already in effect under the Federal Food, Drug, and Cosmetic Act, which are published at 21 CFR 18.520, 18.530, and 19.500 (d) (2). The amendment to § 185.8 concerning pasteurization is also made to conform the regulation under the Federal Import Milk Act to the Milk Ordinance and Code recommended by the United States Public Health Service and which States, counties, and municipalities throughout the United States have adopted.

Effective date. This order shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

(Sec. 3, 44 Stat. 1102; 21 U. S. C. 143)

Dated: September 28, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-7971; Filed, Oct. 3, 1955; 8:47 a. m.]

TITLE 25—INDIANS**Chapter I—Bureau of Indian Affairs, Department of the Interior****Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands****PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING****LEASES OF UNDIVIDED INHERITED LANDS**

The regulations in this part are amended, as follows:

§ 189.9 *Leases of undivided inherited lands.* (a) If the allottee is deceased and the heirs to or devisees of any interest in the allotment have not been determined, or, if determined, some or all of them cannot be located, mining leases of such interests may be executed by the Superintendent, provided that such leases have been offered for sale to the highest responsible qualified bidder, at public auction, or on sealed bids, after at least 30 days notice and advertisement unless a shorter period is authorized by the Commissioner of Indian Affairs.

(b) If the heirs include a life tenant, the lease must be accompanied by an agreement between such life tenant and the remaindermen, providing for the division of the rents and royalties subject to approval of the Commissioner of Indian Affairs or his authorized representative.

(35 Stat. 783, 25 U. S. C. 396)

DOUGLAS MCKAY,
Secretary of the Interior

SEPTEMBER 28, 1955.

[F. R. Doc. 55-7964; Filed, Oct. 3, 1955; 8:45 a. m.]

Subchapter Y—Trading With Indians**PART 276—LICENSED INDIAN TRADERS****MISCELLANEOUS AMENDMENTS**

1. Section 276.4 is repealed.
2. Section 276.7 is repealed.
3. Section 276.18 is amended to read as follows:

§ 276.18 *Intoxicating liquors.* No trader shall use or permit to be used his premises for any unlawful conduct or purpose whatsoever. No trader shall use or permit to be used any part of his premises for the manufacture, sale, gift, transportation, drinking or storage of intoxicating liquors or beverages in violation of existing laws relating thereto. Violation of this section will subject the trader to criminal prosecution, revocation of license and such other action as may be necessary.

4. Section 276.20 is repealed.

(Sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066, as amended; 25 U. S. C. 261, 262)

DOUGLAS MCKAY,
Secretary of the Interior

SEPTEMBER 28, 1955.

[F. R. Doc. 55-7963; Filed, Oct. 3, 1955; 8:45 a. m.]

TITLE 29—LABOR**Chapter V—Wage and Hour Division, Department of Labor****PART 657—THE TOBACCO INDUSTRY IN PUERTO RICO****PART 693—MINIMUM WAGE RATE IN THE CIGAR AND CIGARETTE INDUSTRY IN PUERTO RICO**

On June 10, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the Act) the Secretary of Labor, by Administrative Order No. 443 (20 F. R. 4090),

directed Special Industry Committee No. 17-D (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the Tobacco Industry in Puerto Rico.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the August 12, 1955 issue of the FEDERAL REGISTER (20 F. R. 5802), the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. In this report the Committee divided the Tobacco Industry in Puerto Rico into two separate divisions for each of which it made separate recommendations. Accordingly, as authorized and required by section 8 of the Act and General Order No. 45A of the Secretary—(1) these recommendations are hereby published in the following amendments to the Code of Federal Regulations; and (2), effective October 20, 1955, Parts 693 and 657 of Title 29, Code of Federal Regulations, are amended as follows:

(I) Part 693 is hereby superseded.

(II) Part 657 is hereby amended to read as follows:

Sec.

657.1 Wage rates.

657.2 Notice of order.

657.3 Definitions of the tobacco industry in Puerto Rico and its divisions.

AUTHORITY: §§ 657.1 to 657.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply secs. 5 and 6, 52 Stat. 1062, as amended; 29 U. S. C. 205, 206.

§ 657.1 *Wage rates.* (a) Wages at a rate of not less than 31 cents an hour up to and including November 27, 1955, and thereafter wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Puerto Rico cigar filler tobacco processing division of the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 657.2 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the tobacco industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this part as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notices as the Division may prescribe.

§ 657.3 *Definitions of the Tobacco Industry in Puerto Rico and its divisions.* (a) (1) The Tobacco Industry in Puerto

Rico to which this part shall apply is defined as follows: The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco prior to use in the manufacture of cigars or other finished tobacco products; the manufacture of cigarettes, cigars, cheroots, and little cigars, including the stemming of wrappers or binders by a cigar manufacturer; and the manufacture of snuff, chewing tobacco, and smoking tobacco.

(2) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) (1) of this section to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Puerto Rican Cigar Filler Tobacco Processing Division.* This division consists of the processing of Puerto Rican cigar filler type tobacco, including, but without limitation, the grading, fermenting, stemming, packing, storing, drying, and handling of such tobacco prior to its use in the manufacture of cigars or other finished tobacco products: *Provided, however* That the shredding, chopping, threshing, or stemming of such tobacco by machine and operations immediately incidental thereto shall not be included.

(b) *General Division.* This division consists of all products and activities in the tobacco industry in Puerto Rico, as defined in paragraph (a) (1) of this section, except products and activities included in the Puerto Rican cigar filler tobacco processing division, as defined in this section.

Signed at Washington, D. C., this 26th day of September 1955.

NEWELL BROWN,
Administrator
Wage and Hour Division.

[F. R. Doc. 55-8001; Filed, Oct. 3, 1955; 8:52 a. m.]

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 696—BAKING PRODUCTS INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

PART 698—VEGETABLE, FRUIT, AND NUT PACKING AND PROCESSING INDUSTRY IN PUERTO RICO

On June 10, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the Act) the Secretary of Labor, by Administrative Order No. 443 (20 F. R. 4090) directed Special Industry Committee No. 17-C (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the Food and Related Products Industry.

Subsequent to an investigation and hearing, conducted pursuant to notice

published in the August 12, 1955 issue of the FEDERAL REGISTER (20 F. R. 5832), the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. In this report the Committee divided the Food and Related Products Industry in Puerto Rico into two separate divisions, for each of which it made separate recommendations. Accordingly, as authorized and required by section 8 of the Act and General Order No. 45A of the Secretary—

- (1) these recommendations are published in the following amendments to the Code of Federal Regulations; and (2) effective October 20, 1955, Parts 673, 696, and 698 of Title 29, Code of Federal Regulations, are amended as follows:

- (I) Part 696 is superseded.
(II) Part 698 is superseded.
(III) Part 673 is amended to read as follows:

Sec.
673.1 Wage rates.
673.2 Notice of order.
673.3 Definitions of the food and related products industry in Puerto Rico and its divisions.

Authority: §§ 673.1 to 673.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply secs. 5 and 6, 52 Stat. 1062, as amended; 29 U. S. C. 205, 203.

§ 673.1 *Wage rates.* (a) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Citron Brining Division of the Food and Related Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the General Division of the Food and Related Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 673.2 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Food and Related Products Industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notices as the Division may prescribe.

§ 673.3 *Definitions of the food and related products industry in Puerto Rico and its divisions.* (a) (1) The food and related products industry in Puerto Rico, to which this part shall apply, is defined as follows: The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal

products; poultry and poultry products; milk and dairy products; fish and seafood products; fruits or vegetables, and fruit or vegetable products; grains and grain products; bakery products; confectionery and related products; and miscellaneous foods and food products. The handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: *Provided, however* That the definition shall not include any product or activity included in the sugar manufacturing industry or the chemical, petroleum and related products industries, or in the alcoholic beverage and industrial alcohol industry as defined in the wage orders for those industries in Puerto Rico.

(2) The definition in subparagraph (1) of this paragraph supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) (1) of this section to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Citron Brining Division.* This division consists of the brining and other processing of fruit citron.

(2) *General Division.* This division consists of all products and activities in the food and related products industry, as defined in paragraph (a) (1) of this section, except those included in the Citron Brining Division, as defined in this section.

Signed at Washington, D. C., this 26th day of September 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-8032; Filed, Oct. 3, 1955; 8:52 a. m.]

PART 671—COMMUNICATIONS, UTILITIES AND MISCELLANEOUS TRANSPORTATION INDUSTRIES IN PUERTO RICO, MINIMUM WAGE ORDER

TELEPHONE DIVISION, RADIO AND TELEVISION BROADCASTING, AND GAS UTILITY DIVISIONS

On June 10, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the Act), the Secretary of Labor, by Administrative Order No. 443 (20 F. R. 4030) directed Special Industry Committee No. 17-E (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the telephone division, the radio and television broadcasting division, and the gas utility division of the communications, utilities, and miscellaneous transportation industries.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the August 12, 1955 issue of the FEDERAL REGISTER (20 F. R. 5832),

the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. In this report the Committee divided the radio and television broadcasting division into two separate divisions, for each of which it made separate recommendations in addition to its recommendations for the telephone and the gas utility divisions. Accordingly, as authorized and required by section 8 of the act and General Order No. 45A of the Secretary—(1) these recommendations are hereby published in the following amendments to the Code of Federal Regulations; and (2) effective October 20, 1955, §§ 671.1 and 671.3 of Title 29, are amended as follows:

(I) Paragraphs (c) (d) and (e) of § 671.1 are hereby amended to read as follows:

(c) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Telephone Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Gas Utility Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 65 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Radio Broadcasting Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(II) Section 671.1 is further amended by the addition of a new paragraph to read as follows:

(h) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Television Broadcasting Division of the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(III) Section 671.3 (b) (7) is hereby amended to read as follows:

(7) *Miscellaneous division.* This division consists of all products and activities included within the Communications, Utilities, and Miscellaneous Transportation Industries in Puerto Rico, as defined in paragraph (a) of this section, except products or activities included within the telephone division, cable and radiotelephone division, radio broadcasting division, television broadcasting division, gas utility division, airline divi-

sion, or tourist bureau and ticket agency division, as defined in this section.

(IV) Section 671.3 (b) is hereby amended by the addition of a new subparagraph to read as follows:

(8) *Television broadcasting division.* This division consists of the industry carried on by any concern engaged in television broadcasting.

(Sec. 8, 68 Stat. 915; 29 U. S. C. 208)

Signed at Washington, D. C., this 28th day of September 1955.

NEWELL BROWN,
Administrator
Wage and Hour Division.

[F. R. Doc. 55-8003; Filed, Oct. 3, 1955; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVII—Federal Civil Defense Administration

PART 1705—FCDA SURVIVAL PLAN PROJECTS

The following Regulation, Part 1705, FCDA Survival Plan Projects, is hereby issued.

Sec.	Purpose.
1705.1	Definitions.
1705.2	Eligibility.
1705.3	Project Proposals.
1705.4	Submission of Proposals.
1705.5	Review of Proposals.
1705.6	Conditions of approval.
1705.7	Approval of Proposals.
1705.8	Project Agreements.
1705.9	Supervision of Projects.
1705.10	Costs and reimbursement.
1705.11	Advances.
1705.12	Return of unexpected funds.
1705.13	Interim reports.

AUTHORITY: §§ 1705.1 to 1705.14 issued under sec. 401, 64 Stat. 1254; 50 U. S. C. App. Supp. 2253.

§ 1705.1 *Purpose.* The purpose of the regulations in this part is to prescribe the conditions of eligibility of States and their political subdivisions and the procedures for, and conditions of, participating with FCDA in projects for survey, study, and development of measures for evacuation, reception and shelter of the population of evacuation areas including the formulation of an Operational Survival Plan.

§ 1705.2 *Definitions.* Except as otherwise stated, or as otherwise clearly required by the context, the following words and terms shall have the following meanings when used in the regulations in this part:

(a) *State.* Any State, Territory, or possession of the United States, and the District of Columbia.

(b) *Political subdivision.* Any county, city, district, or other local government of any State.

(c) *Eligible participants.* A State, or States, and the appropriate political subdivisions of the evacuation area that are specified in § 1705.3 as being eligible to participate in Projects under the regulations in this part (including the Authorities, Boards, and Commissions men-

tioned in § 1705.3), or any combination thereof.

(d) *Target area.* A target area identified as a critical target area in FCDA Advisory Bulletin No. 149, July 1, 1953, as revised, or an area adjacent to a base of military retaliation and/or a critical Atomic Energy Commission installation, or such other area as the FCDA Administrator may from time to time determine.

(e) *Urban fringe.* The urban fringe extends to and includes those portions of the urbanized area, contiguous to the thickly settled urban core of a metropolitan complex, which contain a population density of not less than 2,000 persons per square mile.

(f) *Reception area.* That area which surrounds the outer edge of the urban fringe of a target area which can reasonably be assumed to be safe for evacuees.

(g) *Evacuation area.* A target area and the reception area necessary to adequately support its evacuees.

(h) *Operational survival plan.* A detailed plan, completed to a state of operational readiness, designed to afford adequate protection for the population of target areas, including measures for the evacuation, reception and shelter of the population within a geographical area described in an approved Project Proposal.

(i) *Project.* The conduct of surveys and studies necessary to develop an Operational Survival Plan and the formulation of such a plan, including the testing thereof.

(j) *Project proposal.* A narrative statement submitted to FCDA by the eligible participants (see § 1705.2 (c)) covering in detail the manner and method suggested by such eligible participants for undertaking the required surveys, studies, and the formulation of the Operational Survival Plan.

(k) *Project agreement.* A contract, in writing, between FCDA and eligible participants describing in detail the manner and method by which surveys, studies and the formulation of the Operational Survival Plan will be undertaken, and containing an agreement relative to costs of the Project.

(l) *Evacuation.* The organized, timed, and supervised dispersal of civilians from target areas.

(m) *Reception.* The receiving and care, including quartering and supply of essential needs and services, of evacuees in a reception area.

(n) *Return.* The eventual movement and resettlement of evacuees.

(o) *Shelter.* Shelter providing protection against blast and thermal effect where necessary and cover providing protection against radioactive fallout for evacuees at assembly points, along evacuation routes, and in reception areas.

(p) *Support.* Transportation and supply of essential materials, manpower, supplies, and equipment, and other essential resources.

§ 1705.3 *Eligibility.* FCDA will select the target areas wherein Projects will be instituted. States and political subdivisions meeting the following requirements are eligible for selection by FCDA

to participate in Projects under these regulations in this part:

(a) Any State having within its borders one or more target areas which agrees to complete surveys and studies and to formulate an Operational Survival Plan for one or more of its evacuation areas, or a State-wide Operational Survival Plan in accordance with the regulations in this part and FCDA Survival Plan Manual, M27-1; or

(b) Any State which agrees to complete surveys and studies and to formulate reception plans, or support plans, incident to an Operational Survival Plan involving a target area or areas without its borders in accordance with the regulations in this part and FCDA Survival Plan Manual, M27-1.

(c) Any political subdivision (or subdivisions) which constitutes the principal political subdivision (or subdivisions) of the evacuation area, which agrees to complete surveys and studies and to formulate an Operational Survival Plan for the evacuation area in accordance with these Regulations and FCDA Survival Plan Manual, M27-1. *Provided*, That the State wherein such political subdivision (or subdivisions) lies shall join in the Project Proposal and become a party to the Project Agreement.

(d) Any political subdivision (or political subdivisions) which constitutes a part of an evacuation area which agrees to complete surveys and studies and to formulate an Operational Survival Plan for a part of the evacuation area in accordance with the regulations in this part and FCDA Survival Plan Manual, M27-1, provided the principal political subdivision of the evacuation area of which it is a Part and the State wherein it lies have approved the Project Proposal; and provided further that the State wherein the political subdivision (and a part of the evacuation area) lies shall join in the Project Proposal and become a party to the Project Agreement.

(e) Any Commission, Board, or Authority, having a geographical jurisdiction encompassing an entire evacuation area, which has been duly constituted by a State or States (and the appropriate political subdivision thereof) and which is authorized to act for or on behalf of a State or States (and the appropriate political subdivision thereof) in connection with the completion of surveys and studies and the formulation of an Operational Survival Plan for its geographical jurisdiction, and which agrees to complete surveys and studies and to formulate an Operational Survival Plan for its geographical jurisdiction in accordance with the regulations in this part and FCDA Survival Plan Manual, M27-1.

§ 1705.4 Project Proposal. (a) A Project Proposal shall be submitted to FCDA only by an eligible participant. It shall be in narrative form and will include the detailed plan suggested by the eligible participant for undertaking the Project. The Proposal will cover the manner and method proposed by the eligible participant for conducting the survey and study phase of the Project as well as the proposed procedure and

method of formulating the Operational Survival Plan.

(b) The Project Proposal will be developed following conferences between representatives of FCDA and the eligible participant. FCDA will, where necessary, furnish personnel to provide technical assistance and guidance to the eligible participant in developing the Proposal. Project Proposals will be developed in accordance with the regulations in this part and will conform to the standards and criteria established in FCDA Survival Plan Manual, M27-1.

§ 1705.5 Submission of Proposals. (a) A Project Proposal shall be submitted to FCDA only by an eligible participant as specified in § 1705.3, or by a combination of such eligible participants; Project Proposals shall be submitted in accordance with procedures, standards and criteria established by the regulations in this part and FCDA Survival Plan Manual, M27-1.

(b) A Project Proposal shall be signed by the Governor (or Governors) of the State (or States) involved or by his duly authorized representative; and in addition it shall be signed by the Chief Executive of the principal political subdivision, or subdivisions, of the evacuation area, or by his duly authorized representative; or in the case of a political subdivision (or subdivisions) comprising a part of an evacuation area, by its Chief Executive or his duly authorized representative.

§ 1705.6 Review of Proposals. FCDA will review each Project Proposal to determine that the Proposal conforms to the regulations in this part, and to procedures, standards, and criteria established by FCDA Survival Plan Manual, M27-1, and to the general objectives of this program, and FCDA will (a) approve, or (b) make such adjustments, revisions, and deletions as appear reasonable and necessary. In the event that changes are required, representatives of FCDA will, upon request, confer with the eligible participant to facilitate working out adjustments and revisions satisfactory to qualify the Proposal for approval.

§ 1705.7 Conditions of approval. (a) FCDA shall require that the following conditions be met precedent to approval of a Project Proposal:

(1) *FCDA selection of area.* Prior to final approval of a Project Proposal, FCDA must have selected and designated the geographical area covered by the Proposal as one where a Survival Plan Project will be undertaken. Although such selection and designation will normally be made prior to the submission to FCDA of the Project Proposal, such selection and designation by FCDA are a condition to approval of a Project Proposal and not a condition to the submission to FCDA of a Project Proposal.

(2) *States with target area.* If the proposing State (eligible participant) has within its borders one or more target areas, it shall agree to conduct and coordinate, with the assistance and guidance of FCDA, evacuation, shelter, and reception planning and operations between the target and reception areas of

the State, and, to the extent of its authority, with other States, and with the Federal Government, and to develop an Operational Survival Plan for the geographical area covered by the Project; all in accordance with the regulations in this part and in conformance with the provisions of FCDA Survival Plan Manual, M27-1.

(3) *States without target area.* If the proposing State (eligible participant) has no target area or areas within its borders, it shall agree to conduct and coordinate, with the assistance and guidance of FCDA, surveys of resources and capabilities and develop operational plans for (i) reception of evacuees from another State or States, and/or (ii) support of areas in another State or States, all in accordance with the regulations in this part, and in conformance with the provisions of FCDA Survival Plan Manual, M27-1.

(4) *Area covered.* The geographical area to be covered by the project shall include the entire evacuation area, except that where prior approval is received from FCDA, a Project may cover a portion of an evacuation area where such Project is undertaken to complete surveys and studies and to formulate reception plans, or support plans, incident to an Operational Survival Plan covered by a Project Proposal which has been approved by FCDA.

(5) *Operations across political boundaries.* An agreement shall have been reached, or the State (or States) and political subdivisions comprising the eligible participants shall certify that efforts will be made to effect such an agreement, which will permit unified, coordinate evacuation, reception and shelter planning and operations across territorial borders of political subdivisions comprising the evacuation area.

(6) *Federal-State-local cooperation.* The State (or States) and the political subdivisions comprising the eligible participants shall agree to cooperate with each other, with FCDA, and, to the extent feasible, with other States and political subdivisions undertaking similar Projects pursuant to the regulations in this part and FCDA Survival Plan Manual, M27-1.

(7) *Use of existent studies and information.* The eligible participants shall agree to collect and utilize pertinent data developed in past surveys and studies and conclusions arrived at through the results of these studies; that care will be taken to utilize to the maximum extent existing information on any area covered by the Project; that a diligent effort will be made on the part of the eligible participants to avoid duplication of effort; and that they will utilize information made available by FCDA or other Federal departments and agencies or other organizations or groups.

(8) *Use of contractors furnished by FCDA.* The eligible participants shall agree to utilize the services of and to assist, to the maximum extent possible, such contractor or contractors as may be provided by FCDA pursuant to the terms of the Project Agreement.

(9) *Use of contractors engaged by eligible participants.* The eligible participants, for the accomplishment of various

portions of the Project, may engage such contractors as approved by FCDA. A description of the areas covered by such contracts shall be included as a part of the Project Proposal and in the terms of the Project Agreement. The State will not enter into such contracts without the prior approval of FCDA relative to both the provisions of the contract and the specific contractor involved.

(10) *Use of State and local personnel and resources.* The eligible participants shall agree to make maximum use of State and local civil defense staffs and, to the extent feasible, the technical staff of all agencies of State and local governments and of available data, materials, facilities, and equipment, in the conduct of surveys and studies and in the formulation of the Operational Survival Plan, all in accordance with the regulations in this part and in conformance with the provisions of FCDA Survival Plan Manual, M27-1.

(11) *Specialized and expert personnel.* Surveys and studies shall be conducted by qualified specialists in each field of study. All personnel employed by or contracted for by the eligible participants under Projects subject to the regulations in this part shall meet the basic standards established by the State or local Civil Service Commission or other local agency authorized to set such standards, or, in the absence of such State and local standards, by such standards as FCDA may establish for the specialist category area in which they will function.

(12) *Voluntary and uncompensated personnel.* The eligible participants shall agree to utilize such qualified and available voluntary and uncompensated personnel as may be obtained from any source.

(13) *Operational Survival Plan.* The plan developed under Projects subject to the regulations in this part shall be in writing and shall present a complete and balanced program, in accordance with the regulations in this part and in conformance with the scope, methods, and standards prescribed in FCDA Survival Plan Manual, M27-1, with no over-emphasis of one phase or area of the program to the neglect or exclusion of any other, and shall include the development and formulation of plans for the evacuation of the population of the target area described in approved Project Proposal and reception of the population in reception areas, the shelter of the evacuated population along evacuation routes and in reception areas, and the return or resettlement of the evacuees, as well as plans and procedures demonstrating a state of readiness for activating, coordinating, controlling and directing the actual operations under the Survival Plan.

(14) *Methods of conducting Project.* The eligible participants shall make an estimate of (i) the extent of anticipated utilization of State and local facilities, materials, and personnel, including the use of services of educational institutions and other local organizations, and the portions of the Project to be accomplished by this method; and (ii) the extent of anticipated utilization of the services of contractors engaged by the

eligible participants, and the portions of the Project to be accomplished by such contracting methods; and (iii) the extent of anticipated utilization of the services of contractors that may be furnished the eligible participants by FCDA, and the portions of the Project to be accomplished by such contractors, as well as any services to be furnished by FCDA itself or other departments or agencies of the Federal Government.

(15) *Estimated cost.* The eligible participants will estimate the cost of conducting the entire Project. This will include costs attributable to the utilization of State and local materials, facilities and personnel (including educational institutions and local organizations), the costs of contracts entered into by the eligible participants for the accomplishment of certain portions of the Project as well as an estimate of the cost (to be provided by FCDA) of the services of contractors furnished by FCDA, if any, or services furnished by other departments or agencies of the Federal Government. Certain direct costs of preparation of the Project Proposal are reimbursable and an itemization of such costs should be included (see Chapter 6, of FCDA Survival Plan Manual, M27-1) in the Project Proposal which can be reviewed and approved or disapproved by FCDA. The estimate of cost shall be based upon the prevailing rate of wages and fees in the evacuation area and the current fair market value of materials, equipment, and facilities required.

(b) *Certification.* The State (or States) and the political subdivisions comprising the eligible participants shall certify that they will comply with the regulations in this part, the terms and conditions contained in the Project Proposal, and the standards, methods, and criteria established by FCDA Survival Plan Manual, M27-1.

§ 1705.8 *Approval of Proposals.* (a) If a Project Proposal is found acceptable and approved without change by FCDA, a signed copy thereof evidencing such approval shall be returned to the eligible participants.

(b) If FCDA's approval of a Project Proposal is made subject to revisions or additional conditions, the Project Proposal shall be returned to secure the consent of the State (or States) and the political subdivisions comprising the eligible participants. If the eligible participants agree to such revisions and/or additional conditions, they shall so signify and return the Project Proposal. In the event that the eligible participants cannot agree to such revisions and/or additional conditions, then the State (or States) involved shall request a conference with representatives of FCDA to work out a mutually agreeable solution.

(c) If the Project Proposal is disapproved, it shall be returned to the eligible participants with a statement of the reasons for such disapproval.

§ 1705.9 *Project Agreement.* (a) Upon approval by FCDA of a Project Proposal, the eligible participants and FCDA shall negotiate a Project Agreement which will become effective when executed by the parties thereto, and will

constitute the contract between FCDA and the eligible participants. The approved Project Proposal shall form the basis for negotiation of the Project Agreement. The Agreement shall contain provisions establishing the maximum cost of the Project and will specify the schedule of performance for completion of the various portions of the Project. The agreement of the parties relative to engaging contractors to accomplish certain portions of the Project will be included in the Agreement. This will involve not only such contractors as may be engaged by the eligible participants, but also services of contractors to be engaged and furnished by FCDA, if any, in connection with the particular Project. The agreement of the parties relative to those portions, if any, of the Project to be accomplished by services furnished by FCDA or by other departments or agencies of the Federal Government will be included in the Agreement. The Agreement will include, in addition to the foregoing, other provisions applicable to the conduct of the particular Project. The Agreement will incorporate by reference the terms, provisions, and conditions contained in the approved Project Proposal which describes in detail the scope of the Project, as well as the manner and method by which the various portions of the Project will be undertaken. The Project Agreement will require that the Project be conducted in accordance with these Regulations and in conformance with the procedures, standards, and criteria established in FCDA Survival Plan Manual, M27-1.

(b) Due to unforeseen developments or requirements, or a change in circumstances, it may become desirable to amend the Project Agreement. Such amendment may be accomplished only by the mutual agreement of FCDA and the eligible participants, and then only so long as the standards, criteria and procedures established by FCDA Survival Plan Manual, M27-1, are observed.

§ 1705.10 *Supervision of Projects.* Projects provided for under the regulations in this part shall be conducted under the supervision and guidance of FCDA. FCDA shall furnish technical assistance in the initiation of the Project and necessary guidance, supervision and auditing during progress.

§ 1705.11 *Costs and reimbursement—*
(a) *Amount.* The reimbursable costs of any Project shall not exceed the actual costs nor the amount stipulated in the Project Agreement.

(b) *Retroactive.* No costs will be approved, of whatsoever nature, which were contracted for, obligated, or incurred prior to the consummation of the Project Agreement, except certain direct costs incurred in the preparation of the Projects Proposal subsequent to August 5, 1955, said cost having been approved by FCDA as a part of the Project Proposal.

(c) *Personnel and other expenses.* Approved costs under a Project shall include salaries, fees, or other compensation paid to staff or technical personnel engaged in work under the Project

Agreement, travel of such personnel, consultant services, amounts paid under contracts previously approved and agreed to by FCDA, office materials and supplies, printing and such other expenses necessary or incident to the work as set out in FCDA Survival Plan Manual, M27-1, or such as are of a character acceptable to the FCDA Administrator.

(1) Per diem or consultant employment of specialized and/or expert personnel shall be subject to the prior approval of the FCDA, shall be upon such terms and conditions as prescribed in FCDA Survival Plan Manual, M27-1, and shall not exceed the amounts authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

(2) For the purpose of reimbursing eligible participants for travel and related expenses, the limitations of the Standardized Government Travel Regulations will apply.

(d) *Regular employees.* Salaries of regularly employed full-time civil defense personnel of a State and/or political subdivision will not be reimbursed. Salaries of other regularly employed personnel of a State and/or political subdivision will not be reimbursed except when such personnel may be detailed to work on an approved Project on a full-time basis of thirty continuous days' duration, or longer, unless the prior approval of FCDA is secured.

(e) *Reimbursement procedures.* Reimbursement shall be made to eligible participants for approved costs under a Project upon the presentation by the eligible participants of vouchers duly executed in accordance with the applicable provisions of FCDA Survival Plan Manual, M27-1.

§ 1705.12 *Advances.* (a) Upon execution by FCDA of a Project Agreement and upon application by the State (or States) involved, 25 percent of the estimated cost of the Project may be advanced to establish a working fund to be utilized solely in accordance with the regulations in this part, the provisions of the Project Agreement against which the advance was made, and in conformance with FCDA Survival Plan Manual, M27-1. Any advances so made will be accounted for in accordance with the applicable provisions of FCDA Survival Plan Manual, M27-1.

(b) In accepting an advance of Federal funds, the State (or States) must agree to:

(1) Deposit the advanced funds in a separate fund or account, under the sole custody of the Treasurer or comparable fiscal officer of the State (or States) involved.

(2) Withdraw such funds only upon the certification of the Governor or other authorized State official, and then only for the payment of approved costs under the Project Agreement against which the advance was made or for the purpose of making a portion of such advanced funds available to the other eligible participants under the Project to establish working funds, the State being accountable for the expenditure of all

advanced funds in accordance with the regulations in this part, the Project Agreement involved, and the applicable provisions of FCDA Survival Plan Manual, M27-1.

(3) Keep such central records and accounts as are in accordance with accepted or prescribed methods of accounting, and in accordance with the receipt and expenditure of Federal funds advanced to it. Representatives of FCDA and the General Accounting Office shall be granted ready access to all records and accounts covering Projects subject to the regulations in this part.

§ 1705.13 *Return of unexpended funds.* The State must, upon completion of a Project, return to the Federal Government, within thirty days, any funds not obligated under the Project.

§ 1705.14 *Interim reports.* Upon request by FCDA, the eligible participants shall furnish FCDA with such interim reports of work accomplished as FCDA may require.

These Regulations shall be effective as of August 5, 1955.

[SEAL]

VAL PETERSON,
Administrator,
Federal Civil Defense Administration.
[F. R. Doc. 55-7965; Filed, Oct. 3, 1955;
8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order—III-1 (Formerly DMO-11), Supp. 1]

DMO III-1, SUPP. 1—POLICY FOR THE ESTABLISHMENT OF EXPANSION GOALS FOR TAX AMORTIZATION

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953, as amended, the following is hereby ordered in connection with the establishment of expansion goals:

1. Expansion goals are for the purpose of establishing a quantitative limit of expansion which may be covered by certificates of necessity.

2. Expansion goals will be established after review by ODM, where the estimated availability of facilities, equipment or materials is inadequate to meet calculated full mobilization requirements. The goal will be stated quantitatively in terms of the total capacity of supply required, and will be specifically related to the needed increase over a stated base period.

3. Where experience has demonstrated that the tax amortization incentive has not resulted in any appreciable progress in the direction of reaching the goal, the goal will be closed for tax amortization purposes and consideration will be given to the possibility of developing other programs designed to meet essential defense needs.

4. The following criteria will be used in all future considerations for expansion goals:

a. Expansion goals shall be established only to fill those gaps in the mobilization base that must be filled for the successful prosecution of a war in the event of general mobilization. Determination of the gaps shall be made by studies of wartime supply and requirements derived in the following manner:

(1) *Requirements.* (a) Military requirements shall be based on data supplied by the Department of Defense and the Atomic Energy Commission.

(b) War-supporting requirements shall be based on military requirements.

(c) Civilian requirements will be set at the levels necessary to enable the civilian economy to provide adequate support for the mobilization program, including re-establishment of minimum essential services during the first six months following an attack.

(2) *Supply.* The estimated annual supply shall be that amount obtainable from domestic production, imports which can be counted upon in event of war, secondary recovery, and U. S. Government stockpiles on hand.

b. Expansion goals shall be based upon existing or potential shortages which, in the judgment of the delegate agency and ODM, require government incentives for the elimination of such shortages.

c. Expansion goals shall give consideration to substitutes; conservation of critical materials; conversion of existing facilities; and feasibility of extent of increase in capacity.

5. Special materials expansion goals applicable primarily to the pre-mobilization period:

a. Normally an expansion goal will be set in quantitative terms. However, where general programs are now under way, or are contemplated for exploration, development, and mining, research and development, or the development of substitute materials, special expansion goals may be established which properly describe and limit the program involved. Goals covering the above need not necessarily be expressed in quantitative terms.

b. In certain cases, notably those where imported materials normally provide a significant portion of United States requirements, stockpiling may be a preferable method of meeting wartime needs. Consequently, where the minimum stockpile objective is not likely to be completed under current conditions within a period of time consistent with the national security, then the responsible delegate agency shall recommend establishment of an expansion goal of sufficient size to permit completion of the minimum stockpile objective from domestic and/or foreign sources within a reasonable period of time.

6. Appropriate delegate agencies shall be responsible for proposing establishment, modification, or closing of expansion goals. The establishment of goals or any revision or change in status of a goal is the determination of the Director of the Office of Defense Mobilization who will file notice in the *FEDERAL REGISTER* of each determination as it relates to expansion goals.

RULES AND REGULATIONS

7. This supplement shall take effect on September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7979; Filed, Oct. 3, 1955;
8:48 a. m.]

[Defense Mobilization Order VII-6, Supp. 3]
DMO VII-6, SUPP. 3—EXPANSION GOALS
FOR TAX AMORTIZATION

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953, as amended, the following is hereby ordered in connection with expansion goals and the issuance of necessity certificates pursuant to Section 168 of the Internal Revenue Code of 1954.

1. *Closed and suspended goals.* The issuance of necessity certificates shall be discontinued immediately in connection with the expansion goals included in List I attached and all other goals previously closed on August 11, 1955, by Supplement 1 to DMO VII-6, except as follows:

a. Any application filed with the government more than 60 calendar days prior to the date of suspension or closing of the applicable goal, whichever is earlier, shall be considered for certification under the terms and conditions of the expansion goal involved.

This means that applications will be eligible for certification on the basis of priority of filing and other factors to the extent of the unfilled portion of the goal at the time of suspension.

b. Any application filed with the government within 60 calendar days prior to the date of suspension or closing of the applicable expansion goal, whichever is earlier, shall be considered for certification only when it is determined by the government that an application covering similar facilities, filed on the same or a later date, was certified.

2. *Closed goals.* Applications for necessity certificates currently pending in closed goal areas shall be denied unless they qualify under the rules stated above. Such applications received hereafter shall be rejected.

3. *Suspended goals.* All expansion goals previously suspended by Supplement 1 to DMO VII-6, dated August 11, 1955, are hereby transferred to the open or closed list in accordance with List I and List III set forth below with the exception of Goal No. 3, Iron Ore, Taconite.

4. *Open goals.* Necessity certificates shall be issued in accordance with the present or appropriately revised terms of the individual expansion goals in List III attached and in accordance with regulations and policies heretofore or hereafter established by competent authority. In addition, there is added to List III the following new expansion goal:

Goal No.	Title	Delegate agency
223	Oil and Gas Pipelines and Petroleum Storage Facilities (Specific Defense Programs).	Interior.

5. *General provisions.* Applications for tax amortization which do not fall within the scope of an open or suspended goal shall be denied. Future decisions to open, suspend, or close expansion goals shall be accomplished by further supplements to this order. Future decisions to modify expansion goals, upon approval of the Director of the Office of Defense Mobilization, shall be published as notices in the FEDERAL REGISTER.

6. This supplement shall take effect on September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

LIST I—CLOSED

Goal No.	Title	Delegate agency
220	Airport Facilities.....	Commerce.
112	Antimony.....	Interior.
92	Bauxite.....	Interior.
10	Cobalt.....	Interior.
4	Coke, By-Product.....	Interior.
83	Cryolite, Synthetic.....	Commerce.
130	Electrolytic Tin Plate.....	Commerce.
171	Gas Utility Industry, Pipe Lines.....	Interior.
214	Grain-Oriented Steel Sheets.....	Commerce.
204	Gray Iron Castings (3,000 pounds and over).....	Commerce.
218	Inland Waterway Terminal Facilities.....	ICC.
98	Inland Waterway Vessels (Specific Types).....	ICC.
132	Iron Ore.....	Interior.
152	Locomotives, Diesel.....	ICC.
96	Lumber and Wood Products (Debarking and Chipping Facilities).....	Commerce.
216	Motor Truck Terminal and Repair Facilities.....	ICC.
65C	Natural Gas Liquids Capacity.....	Interior.
65D	Oil Pipe Line (Domestic).....	Interior.
65E	Oil Storage Facilities (Domestic).....	Interior.
90	Ore Carriers, Great Lakes.....	ICC.
113	Ore Carriers, Ocean-Going.....	Commerce.
210	Port Facilities.....	ICC.
221	Railroad Passenger Cars.....	ICC.
135	Railroad Terminal and Road Facilities.....	ICC.
114	Special Manufacturing Facilities—Metal Cans.....	Commerce.
121	Titanium Metal.....	Interior.
217	Warehousing and Storage Facilities.....	ICC.

LIST III—OPEN

148	Aircraft, Commercial.....	Commerce.
207	Alkylate.....	Interior.
222	Aluminum Forging Facilities.....	Commerce.
177	Aluminum Sheet Producing and Heat Treating Facilities.....	Commerce.
120	Chromite, Chemical Grade.....	Interior.
56	Copper.....	Interior.
65	Electric Power.....	Interior.
168	Freight Cars.....	ICC.
182	Glycerin.....	Commerce.
99	Heavy Aluminum Aircraft Forgings.....	Commerce.
212	Heavy Steel Plates.....	Commerce.
122	High Voltage Switchgear.....	Commerce.
206	Laboratories, Research and Development (Defense).....	Commerce.
187	Manganese Ore, Battery and Chemical Grade.....	Interior.
198	Medical Supplies and Equipment.....	Commerce.
64	Mercury.....	Interior.
16	Nickel.....	Interior.
65	Petroleum Refining Capacity.....	Interior.
226	Oil and Gas Pipelines and Petroleum Storage Facilities (Specific Defense Programs).....	Interior.
225	Power Facilities for Military, Atomic Energy and Defense Related Needs.....	Interior.
224	Production Facilities for Military and Atomic Energy Procurement.....	Commerce.
163	Rutile.....	Interior.
176	Scientific Instruments.....	Commerce.
178	Selenium.....	Interior.
76	Steam Boilers.....	Commerce.
74	Steam Turbines.....	Commerce.

¹ Previously suspended on Aug. 11, 1955.

² New goal.

³ Superseded by Goal No. 223.

LIST III—OPEN—Continued

Goal No.	Title	Delegate agency
181	Steel Castings.....	Commerce.
127	Tankers, Ocean-Going.....	Commerce.
134	Tapered Aluminum Sheet.....	Commerce.
215	Titanium Melting Facilities.....	Commerce.
223	Titanium Processing Facilities.....	Commerce.
178	Transformers, Distribution.....	Commerce.
91	Welded Aluminum Tubing.....	Commerce.

[F. R. Doc. 55-7980; Filed, Oct. 3, 1955;
8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 909]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS, TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of September A. D. 1955.

It appearing, that fruit and vegetable containers, box shocks and other packing material are now moving in box cars from origins in the States of Washington, Oregon or California, to destinations in the States of California and Washington; and that refrigerator cars are moving empty from the same points of origin to the same destinations and that the substitution of refrigerator cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment: It is ordered, that:

§ 95.909 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shocks.* (a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shocks or other packaging or packing materials, in carloads, from origins located in the States of Washington, Oregon or California, to destinations in the State of California and between origin points and destination points wholly within the State of Washington may, at their option, furnish and transport not more than three (3) refrigerator cars of FGEX, WFEX, BREX, PFE, SFRD or NP ownership, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car,

(i) Two (2) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of 40'7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars may be furnished in lieu of one (1) box car ordered of a length of over 40'7", but

not over 50" subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., September 30, 1955.

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-8012; Filed, Oct. 3, 1955;
8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

MISCELLANEOUS AMENDMENTS

Basis and purpose. On May 24, 1955, amendments to Part 46, Title 50, Code of Federal Regulations, were adopted to prescribe hunting, trapping, and fishing seasons and limits on game and fur animals, birds, and game fishes in Alaska for the season beginning July 1, 1955. These amendments were adopted pursuant to authority contained in section 9 of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 743; 48 U. S. C. 198) and were published in the FEDERAL REGISTER on June 4, 1955 (20 F. R. 3895).

It has since been determined that additional amendments to these regulations are desirable to provide a definition of antlerless deer and to correct a

typographical error which occurred when prescribing the closing date of the season for brown and grizzly bear in Southeastern Alaska. In the interest of indicating clearly the areas open to sport fishing, to clarify the scope of the special conditions applicable to the taking of game fishes within certain open areas, and to remove any possible doubts concerning the open season dates within such areas, it is also deemed advisable to revise and restate the schedule forming a part of § 46.156. Accordingly, the regulations under the Alaska Game Law are amended as follows:

1. A new § 46.23 is added under the center headnote "Definitions" reading as follows:

§ 46.23 *Antlerless deer* Deer of either sex without antlers or having

antlers not more than three inches in length (but not including fawns)

2. The schedule constituting a part of § 46.102 *Seasons, limits, and other provisions*, as the same appears in 20 F. R. 3896-3897, is amended in that part of the text following the subheading "Brown and grizzly bear" column heading "Areas open to hunting" by deleting the dates "Sept. 1-June 30" appearing in the column headed "Seasons" opposite the words "East of 141° W. longitude, Southeastern Alaska (except in the Thayer Mountain and Pack Creek areas as described in § 46.186)" and by substituting the dates "Sept. 1-June 29". As so amended, so much of the said schedule as relates to the hunting of brown and grizzly bear in Southeastern Alaska will read as follows:

Areas open to hunting	Seasons	Limits
• •	• •	• • •
<i>Brown and grizzly bear</i>		
East of 141° W. longitude, Southeastern Alaska (except in the Thayer Mountain and Pack Creek areas as described in § 46.186).	Sept. 1-June 29.....	2a year.
• •	• •	• • •

3. The schedule constituting a part of § 46.156 *Seasons, limits, and other provisions*, as the same appears in 20 F. R. 6893 is revised and amended to read as follows:

Areas open to fishing	Seasons	Limits
<i>Southeastern Alaska and coastal parts</i>		
Southeastern Alaska (except in Lower Dena'ina Lake near Skagway) and westward south of the "C" Range to and including the drainage into Prince William Sound and on the Kodiak-Aleutian Island group.	No closed season.....	15 fish but not to exceed 15 pounds and 1 fish daily. Possession limit: 2 daily bag limits.
Lower Dena'ina Lake near Skagway.....	July 1-Mar. 15.....	
<i>Central and Interior Alaska</i>		
The drainage into Cook Inlet: <i>Provided</i> , That fishing in Echo, Falk and Hidden Lakes is permitted only for persons under 16 years of age.		
The Copper River Watershed: <i>Provided</i> , That fly fishing only is permitted in the outlet of Summit Lake (near Paxson) and for a mile downstream.		
The Nalimuk River in the Bristol Bay area and the waters of Nalimuk Lake within 1/4 mile of its outlet into Nalimuk River.	July 1-Mar. 31 and May 29-June 29.	10 fish daily or in possession. <i>Provided</i> , That each limit may not contain more than 2 fish over 15" in length, and that no fish under 12" in length may be taken in the Chukcha or the Big Delta Charwater River.
The Tanana River Watershed (except in Fielding Lake and its inlets): <i>Provided</i> , That fishing in the checked gravel pits along the Richardson Highway is permitted only for persons under 16 years of age: <i>Provided further</i> , That fly fishing only is permitted in the Salcha and Little Salcha Rivers.	July 1-Mar. 31 and June 10-June 29.	
Fielding Lake and its inlets (within the Tanana River drainage).	No closed season.....	
The remainder of Alaska for which a season is not prescribed above.		

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Since amendments numbered 1 and 3 constitute clarifying restatements of existing regulations and impose no additional restrictions on the taking of game and fur animals, birds, and game fishes in Alaska, notice and public procedure are unnecessary and the said amendments shall become effective immediately. Amendment numbered 2, which corrects a typographical error and prescribes a 10-day earlier closure of the brown and grizzly bear season in Southeastern Alaska, shall become effective 30 days after publication of this document in the FEDERAL REGISTER (5 U. S. C. 1003 (c))

Issued at Washington, D. C., and dated September 27, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-7362; Filed, Oct. 3, 1955;
8:45 a. m.]

Subchapter F—Alaska Commercial Fisheries

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

OPEN SEASON

Basis and purpose. On the basis of a good abundance of chum salmon of excellent quality in the Haines gill net

area, it has been determined that additional fishing time is warranted there.

Therefore, effective immediately upon publication in the **FEDERAL REGISTER**, § 118.4 is amended in text by changing "September 30" to "October 7."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237-5 U. S. C. 1001 et seq.)

ARNIE J. SUOMELA,
Acting Director

SEPTEMBER 30, 1955.

[F. R. Doc. 55-8047; Filed, Sept. 30, 1955; 4:13 p. m.]

**PROPOSED
RULE MAKING**

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

DRAWBACK; FOREIGN-TRADE ZONES

NOTICE OF PROPOSED RULEMAKING

In view of the fourth proviso to section 3 of the Act of June 18, 1934, as amended by section 1 of the Act of June 17, 1950 (19 U. S. C. 81c) relating to foreign-trade zones, whereby articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors) or storage, shall be considered to be exported for the purpose of the drawback provisions of the Tariff Act of 1930, as amended, and the regulations thereunder, notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that it is proposed to issue under the authority cited therefor the regulations set forth in tentative form below.

Part 22 of the Customs Regulations is amended as follows:

Sections 22.36, 22.37, 22.38, 22.39, and 22.40 are redesignated §§ 22.41, 22.42, 22.43, 22.44 and 22.45, respectively.

Footnote 16, appended to the centerhead "General Regulations Applicable to all Drawback Claims" above redesignated § 22.41, is redesignated footnote 17.

After § 22.35 a new centerhead and new §§ 22.36-22.40 are inserted reading as follows:

MERCHANDISE TRANSFERRED TO A FOREIGN-TRADE ZONE FROM CUSTOMS TERRITORY

§ 22.36 *Drawback allowance.* (a) Drawback of duties and taxes shall be allowed on merchandise transferred to a foreign-trade zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors) or storage under the fourth

proviso to section 3 of the act of June 18, 1934, as amended (19 U. S. C. 81c) ¹⁶ subject to compliance with §§ 22.37 to 22.40, inclusive.

(b) Such merchandise shall be given status as zone-restricted merchandise on proper application as prescribed in § 30.10 of this chapter.

(Sec. 3, 48 Stat. 999, as amended; 19 U. S. C. 81c)

§ 22.37 *Articles manufactured or produced in the United States.* (a) The procedure prescribed in this part as to the filing of an application for a rate of drawback and other required documents shall be followed, so far as applicable, in filing claims for drawback under the fourth proviso to section 3 of the act of June 18, 1934, as amended (19 U. S. C. 81c) on articles manufactured or produced in the United States with the use of imported or substituted merchandise, and on flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced with the use of domestic tax-paid alcohol, except that notices of transfer on customs Form 7513 shall be filed in lieu of notices of exportation on customs Form 7511.

(b) Notices of transfer on customs Form 7513 shall be filed in triplicate with the collector of customs of the district in which the foreign-trade zone is located. Each notice shall show the number and location of the foreign-trade zone to which the articles are to be transferred, the number and kind of packages and their marks and numbers, the description of the articles and their weight (gross and net), gauge, measure, or number, the name of the transferor, and the name of the port where the drawback entry is to be filed.

(c) The notice of transfer shall be filed with the collector prior to the transfer of the articles to the zone, or within 3 years after receipt of the articles in the zone and, if filed after the

*** *Provided further*, That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) The draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) The statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal-revenue taxes and for the purposes of the internal-revenue laws generally and the regulations thereunder.

"Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615 (f) of section 1201 of this title: * * *" (19 U. S. C. 81c.)

transfer, shall state the foreign-trade zone lot number.

(d) The collector shall assign a number to each notice of transfer. After numbering, one copy of the notice shall be returned to the transferor for subsequent filing with the drawback entry. After the articles have been received in the zone, the customs officer at the zone shall certify on the copy of the notice of transfer received from the collector as to the receipt of the articles in the zone and forward the notice to the transferor, or the person designated by the transferor, for subsequent filing with the drawback entry. Prior to filing such certified copy with the drawback entry, the transferor shall obtain thereon the foreign-trade zone operator's certification as to the receipt of the articles in the zone.

(e) Drawback entries shall be filed on customs Forms 7573, 7575-A, 7575-B, 7579, or 7583, as applicable, modified to indicate that the merchandise was transferred to a foreign-trade zone and the "Declaration of Exportation" shall be amended to read as follows:

DECLARATION OF TRANSFER TO A FOREIGN-TRADE ZONE

I, _____
(Member of firm, officer representing corporation, agent, or attorney)

of _____, declare that, to the best of my knowledge and belief, the particulars of transfer stated in this entry, the notices of transfer, and receipts are correct, and such merchandise was transferred to a foreign-trade zone for the sole purpose of exportation, destruction, or storage, and is not to be returned to customs territory of the United States for domestic consumption.

(Transferor or agent)

Date _____

(Sec. 3, 48 Stat. 999, as amended, 19 U. S. C. 81c)

§ 22.38 *Merchandise transferred to a foreign-trade zone from continuous customs custody.* (a) The procedure prescribed in §§ 22.27 to 22.30, inclusive, shall be followed, so far as applicable, in filing claims for drawback on merchandise transferred to a foreign-trade zone from continuous customs custody. Prior to the transfer of such merchandise, the importer or a person designated in writing by the importer for the purpose shall file with the collector an entry in triplicate on customs Form 7541. After the merchandise has been received in the zone, the customs officer at the zone shall certify on the copy of Form 7541 received from the collector as to the receipt of the merchandise in the zone and forward it to the transferor to obtain thereon the foreign-trade zone operator's certification as to the receipt of the articles in the zone, in lieu of the bill of lading required by § 22.39 (d) and re-submit the copy to the collector.

(b) Customs Form 7541 shall be modified to indicate that the merchandise is to be transferred to a foreign-trade zone and shall bear an endorsement in the following form, to be placed thereon by the transferor, for execution by the foreign-trade zone operator:

RECEIPT OF FOREIGN-TRADE ZONE OPERATOR

The merchandise described in this entry was received from _____ on _____, 19____, in Foreign-Trade Zone No. _____, (City and State)

Exceptions: _____
By _____ (Name of operator)
By _____ (Name and title)

The "Exporter's Declaration" on Form 7541 shall be amended to read as follows:

TRANSFEROR'S DECLARATION

I, _____, one of the firm of _____, declare that the merchandise described in this entry was duly entered at the customhouse on arrival at this port; that the duties thereon have been paid as specified in this entry; and that it is to be transferred to Foreign-Trade Zone No. _____, located at _____, (City and State)

for the sole purpose of exportation, destruction, or storage, and is not to be returned to customs territory of the United States for domestic consumption. I further declare that, to the best of my knowledge and belief, this merchandise is the same in quantity, quality, value, and package, unavoidable wastage and damage excepted, as it was at the time of importation; that no allowance nor reduction of duties has been made for damage or other cause except as specified in this entry; and that no part of the duties paid has been refunded by way of drawback or otherwise.

(Transferor)

Date _____

(Sec. 3, 48 Stat. 999, as amended; 19 U. S. C. 81c)

§ 22.39 *Merchandise not conforming to sample or specification or shipped without the consent of the consignee.*

(a) The procedure prescribed in §§ 22.31 to 22.35, inclusive, shall be followed, so far as applicable. The importer or a person designated in writing by the importer for the purpose shall file with the collector, prior to the transfer of any merchandise to a foreign-trade zone, an entry in duplicate on customs Form 7539. The procedure shall be the same, so far as applicable, as that governing the transfer of merchandise to a foreign-trade zone from continuous customs custody (§ 22.38)

(b) Customs Form 7539 shall be modified to indicate that the merchandise is to be transferred to a foreign-trade zone and shall bear an endorsement, for execution by the foreign-trade zone operator, of a receipt as provided for in § 22.38 (b). The "Exporter's Declaration" on Form 7539 shall be amended to read as follows:

TRANSFEROR'S DECLARATION

I, _____, one of the firm of _____, declare that the merchandise described in the within entry was duly entered at the customhouse on arrival at this port; that the duties thereon have been paid as specified in this entry; and that it is to be transferred to Foreign-Trade Zone No. _____, located at _____, (City and State), for the sole purpose of ex-

portation, destruction, or storage, and is not to be returned to customs territory of the United States for domestic consumption. I

further declare that, to the best of my knowledge and belief, the said merchandise is the same in quantity, quality, value, and package as specified in this entry; that no allowance nor reduction in duties has been made; and that no part of the duties paid has been refunded by way of drawback or otherwise.

Date _____ (Transferor)

(Sec. 3, 48 Stat. 999, as amended; 19 U. S. C. 81c)

§ 22.40 *To whom payable.* The person named in the foreign-trade zone operator's receipt on the notice of transfer or the drawback entry, as the case may be, shall be held to be the transferor. The drawback shall be paid to the transferor or to the person to whom the transferor shall direct in writing that such drawback be paid. (Sec. 3, 48 Stat. 999, as amended; 19 U. S. C. 81c)

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL]

RALPH KELLY,
Commissioner of Customs.

Approved: September 26, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7893; Filed, Oct. 3, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF DRIED FIGS¹

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Dried Figs (§§ 52.1021-52.1035) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1037 et seq., 7 U. S. C. 1621 et seq.) This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

¹ Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed revision is as follows:

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, SIZES, GRADES

- Sec.
52.1021 Product description.
52.1022 Color types of dried figs.
52.1023 Styles and types of packs of dried figs.
52.1024 Sizes of Style I (a), Whole, Loose, Dried figs.
52.1025 Grades of dried figs.
MOISTURE ALLOWANCES
52.1026 Moisture allowances for grades of dried figs.
DEFECT ALLOWANCES
52.1027 Allowances for defects in dried figs.
DEFINITIONS AND EXPLANATIONS OF TERMS
52.1028 Stages of maturity.
52.1029 Degrees of uniformity of size.
52.1030 Degrees of uniformity of color.
52.1031 Definitions of defects.
52.1032 Degrees of flavor and odor.

WORK SHEET

- 52.1033 Work sheet for grades of dried figs.

Authority: §§ 52.1021 to 52.1033 issued under sec. 295, 69 Stat. 1030; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, COLOR TYPES, STYLES, SIZES, GRADES

§ 52.1021 *Product description.* Dried figs are the fruit of the fig tree (*Ficus carica*) from which the greater portion of moisture has been removed. The dried figs are prepared from clean and sound fruit and are sorted and thoroughly cleaned to assure a clean, sound, wholesome product. The figs may or may not be sulphured or otherwise bleached.

§ 52.1022 *Color types of dried figs—*(a) "White." "White figs" (or "white type" figs) are white to dark brown in color and include such varieties as Adriatic, Calimyrna, and Kadota.
(b) "Black." "Black figs" (or "black type" figs) are black or dark purple in color as in the Mission varieties.

§ 52.1023 *Styles and types of packs of dried figs—*(a) *Style I, Whole.* "Style I, Whole" (or "whole figs") means dried figs in any of the following types of packs:

(1) "Whole, loose, figs" referred to as Style I (a), are whole dried figs, not materially changed from their original dried form, that are packed without special arrangement in a container.

(2) "Whole, pulled, figs" referred to as Style I (b), are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a definite arrangement in a container. The dried figs may or may not be split slightly across the eye but are not split to the extent that the seed cavity is materially exposed.

(3) "Whole, layered, figs" referred to as Style I (c) are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a staggered-layer arrangement in a container. The figs are split across the base to the extent that the seed cavity may be materially exposed.

(b) *Style II, Sliced.* "Style II, Sliced" (or "sliced figs") means dried whole figs

that have been cut into slices not less than $\frac{1}{4}$ inch in thickness and such slices are not recut showing more than two cut surfaces.

§ 52.1024 *Sizes of Style I (a) whole, loose, dried figs—(a) Sizes.* The sizes of Style I (a) whole, loose, dried figs for the respective varieties are as follows:

Adriatic or Kadota

No. 1 size (jumbo size)— $1\frac{1}{16}$ inches or larger in width.

No. 2 size (extra fancy size)— $1\frac{1}{16}$ inches to, but not including, $1\frac{1}{8}$ inches in width.

No. 3 size (fancy size)— $1\frac{1}{16}$ inches to, but not including, $1\frac{1}{8}$ inches in width.

No. 4 size (extra choice size)— $1\frac{1}{16}$ inches to, but not including, $1\frac{1}{8}$ inches in width.

No. 5 size (choice size)— $1\frac{1}{16}$ inch to, but not including, $1\frac{1}{8}$ inches in width.

No. 6 size (standard size)—Less than $1\frac{1}{16}$ inch in width.

Calimyrna

No. 1 size (jumbo size)— $1\frac{1}{16}$ or larger in width.

No. 2 size (extra fancy size)— $1\frac{1}{16}$ inches to, but not including, $1\frac{1}{8}$ inches in width.

No. 3 size (fancy size)— $1\frac{1}{16}$ inches to, but not including, $1\frac{1}{8}$ inches in width.

No. 4 size (extra choice size)— $1\frac{1}{16}$ inches to, but not including, $1\frac{1}{8}$ inches in width.

No. 5 size (choice size)— $1\frac{1}{16}$ inch to, but not including, $1\frac{1}{8}$ inches in width.

No. 6 size (standard size)—Less than $1\frac{1}{16}$ inch in width.

Black Mission

No. 1 size (jumbo size)— $1\frac{1}{16}$ inches or larger in width.

No. 2 size (extra fancy size)— $1\frac{1}{16}$ inches to, but not including, $1\frac{1}{8}$ inches in width.

No. 3 size (fancy size)— $1\frac{1}{16}$ inches to, but not including, $1\frac{1}{8}$ inches in width.

No. 4 size (extra choice size)— $1\frac{1}{16}$ inch to, but not including, $1\frac{1}{8}$ inches in width.

No. 5 size (choice size)— $1\frac{1}{16}$ inch to, but not including, $1\frac{1}{8}$ inch in width.

No. 6 size (standard size)—Less than $1\frac{1}{16}$ inch in width.

(b) *Ascertaining compliance for a single size.* In ascertaining compliance with the size requirements of this section, Style I (a) whole, loose, dried figs will be considered as a single size if not less than 80 percent by count of the figs are of one predominant size and not more than 14 percent by count of the figs are of a size or sizes smaller than that predominating size and not more than 6 percent by count of the figs are of a size or sizes larger than that predominating size. "Uniformity of size" as such, is not a grade requirement for Style I (a) whole, loose, dried figs.

§ 52.1025 *Grades of dried figs.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of whole or sliced dried figs in which Style I, whole figs, are of one variety and in which Style II, sliced figs, are of one variety or similar varieties; that are well-matured with not more than 5 percent, by count, of reasonably well-matured dried figs; that are practically uniform in size, except for Style I (a) whole, loose, figs and Style II, sliced figs; that possess a practically uniform typical color; that possess a good flavor that are free from foreign material; and that do not exceed the

maximum allowances and limitations as specified in Table I (Moisture) and Table IIA (Defects in White Figs) and Table IIB (Defects in Black Figs)

(b) "U. S. Grade B" or "U. S. Choice" is the quality of whole or sliced dried figs in which Style I, whole figs, are of one variety and in which Style II, sliced figs, are of one variety or similar varieties; that are reasonably well-matured with not more than 10 percent, by count, of fairly well-matured dried figs; that are reasonably uniform in size, except for Style I (a) whole, loose, figs and Style II, sliced figs; that possess a reasonably uniform typical color; that possess a reasonably good flavor; that are free from foreign material; and that do not exceed the maximum allowances and limitations as specified in Table I (Moisture) and Table IIA (Defects in White Figs) and Table IIB (Defects in Black Figs)

(c) "U. S. Grade C" or "U. S. Standard" is the quality of whole or sliced dried figs that are of one variety or of similar varieties; that are fairly well-matured with not more than 10 percent by count of figs that fail to meet the requirements for fairly well-matured dried figs; that are fairly uniform in size,

except for Style I (a), whole, loose, figs and Style II, sliced figs; that possess a fairly uniform typical color; that possess a typical and normal flavor; that are free from foreign material; and that do not exceed the maximum allowances and limitations as specified in Table I (Moisture) and Table IVA (Defects in White Figs) and Table IVB (Defects in Black Figs)

(d) "Substandard" is the quality of dried figs that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

MOISTURE ALLOWANCES

§ 52.1026 *Moisture allowances for grades of dried figs—(a) Moisture limits.* Dried figs shall not exceed the moisture limits for the grades, color types, styles, and groups designated in Table I of this section. Group I includes figs in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, ploffilm, metal-foil wrapped bags or cartons, and hermetically sealed glass or metal containers.

TABLE I—MOISTURE ALLOWANCES FOR DRIED FIGS

Grades	Color types	Styles	Maximum moisture limits (by weight)	
			Group I	Group II
U. S. Grade A or U. S. Fancy and U. S. Grade B or U. S. Choice and U. S. Grade C or U. S. Standard.	White	Whole	Percent 24	Percent 30
	White	Sliced	23	28
	Black	Whole	23	30
	Black	Sliced	23	28
	Black and White (mixed)	Whole	23	30
	Black and White (mixed)	Sliced	23	28

(b) *Ascertaining compliance with moisture limits.* In ascertaining compliance with the moisture limits in Table I of this section, some of the samples which represent a specific lot of dried figs may possess no more than 1 percent additional moisture, if the average moisture for all samples representing the lot is within the limits stated in Table I of this section.

DEFECT ALLOWANCES

§ 52.1027 *Allowances for defects in dried figs.* The following tables in this section summarize the total maximum allowances and maximum limitations

within the total allowances for the respective grades and styles as follows:

(a) U. S. Grade A or U. S. Fancy; Styles I and II.

Table IIA—White figs.

Table IIB—Black figs.

(b) U. S. Grade B or U. S. Choice; Styles I and II.

Table IIIA—White figs.

Table IIIB—Black figs.

(c) U. S. Grade C or U. S. Standard; Styles I and II:

Table IVA—White figs.

Table IVB—Black figs.

TABLE II A—ALLOWANCES FOR DEFECTS IN WHITE FIGS
(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowance—Not more than a total of 5 percent ¹	Limited allowance—Not more than $\frac{1}{2}$ of the total or 3 percent ²
U. S. Grade A or U. S. Fancy.	Damaged by: scars or disease, sunburn, mechanical injury, ³ visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.

¹ Total maximum allowances: *Provided*, that the appearance or edibility of the product is not more than slightly affected by such defects or by the presence of otherwise defective units.

² Percentages are by count.

³ Not applicable to Style II, Sliced figs.

TABLE II B—ALLOWANCES FOR DEFECTS IN BLACK FIGS
(Style I, Whole; Style II, Sliced, except as indicated otherwise)

Grade	Total allowance ¹ —Not more than a total of 10 percent ²	Limited allowance—Not more than 1/2 of the total or 5 percent ³
U. S. Grade A or U. S. Fancy.	Damaged by: scars or disease, sunburn, mechanical injury, ³ visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.

¹ Total maximum allowances: *Provided*, that the appearance or edibility of the product is not more than slightly affected by such defects or by the presence of otherwise defective units.

² Percentages are by count.

³ Not applicable to Style II, Sliced figs.

TABLE III A—ALLOWANCES FOR DEFECTS IN WHITE FIGS
(Style I, Whole; Style II, Sliced except as indicated otherwise)

Grade	Total allowance ¹ —Not more than a total of 10 percent ²	Limited allowance—Not more than 1/2 of the total or 5 percent ³
U. S. Grade B or U. S. Choice.	Damaged by: scars or disease, sunburn, mechanical injury, ³ visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.

TABLE III B—ALLOWANCES FOR DEFECTS IN BLACK FIGS
(Style I, Whole; Style II, Sliced except as indicated otherwise)

Grade	Total allowance ¹ —Not more than a total of 15 percent ²	Limited allowance—Not more than 2/3 of the total or 7 percent ³
U. S. Grade B or U. S. Choice.	Damaged by: scars or disease, sunburn, mechanical injury, ³ visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.

¹ Total maximum allowances: *Provided*, That the appearance or edibility of the product is not materially affected by such defects or by the presence of otherwise defective units.

² Percentages are by count.

³ Not applicable to Style II, Sliced figs.

TABLE IV A—ALLOWANCES FOR DEFECTS IN WHITE FIGS
(Style I, Whole; Style II, Sliced except as indicated otherwise)

Grade	Total allowance ¹ —Not more than a total of 15 percent ²	Limited allowance—Not more than 2/3 of the total or 7 percent ³
U. S. Grade C or U. S. Standard.	Damaged by: scars or disease; sunburn; mechanical injury, ³ visible sugaring; other similar defects. Seriously damaged by: scars or disease; sunburn; mechanical injury, ³ other similar defects.	Seriously damaged by: scars or disease; sunburn; mechanical injury, ³ other similar defects.

TABLE IV B—ALLOWANCES FOR DEFECTS IN BLACK FIGS
(Style I, Whole, Style II, Sliced except as indicated otherwise)

Grade	Total allowance ¹ —Not more than a total of 20 percent ²	Limited allowance—Not more than 3/4 of the total or 8 percent ³
U. S. Grade C or U. S. Standard.	Damaged by: scars or disease, sunburn, mechanical injury, ³ visible sugaring, other similar defects. Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.	Seriously damaged by: scars or disease, sunburn, mechanical injury, ³ other similar defects.

¹ Total maximum allowances: *Provided*, That the appearance or edibility of the product is not seriously affected by such defects or by the presence of otherwise defective units.

² Percentages are by count.

³ Not applicable to Style II, Sliced figs.

DEFINITIONS AND EXPLANATIONS OF TERMS

§ 52.1028 *Stages of maturity*—(a) *Well matured*. A "well-matured" dried fig means a dried fig which is well developed and in which the interior shows very good sugary tissue development that is sirupy and gumlike in consistency and texture.

(b) *Reasonably well matured*. A "reasonably well-matured" dried fig

means a dried fig which is reasonably well developed and in which (1) the interior shows good sugary tissue development that is gummy but slightly fibrous in consistency and texture or (2) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

(c) *Fairly well matured*. A "fairly well-matured" dried fig means a dried fig which is fairly well developed and in which (1) the sugary tissue in the interior of the fig is gummy and fibrous in consistency and texture, or (2) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is gummy but slightly fibrous in consistency and texture, or (3) more than one-third, but less than one-half, of the interior of the fig may be entirely lacking in sugary tissue, if the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

§ 52.1029 *Degrees of uniformity of size*. Uniformity of size applies to Style I (b) whole, pulled, figs and Style I (c) whole, layered, figs, where the original shape has been materially changed.

(a) *Practically uniform in size*. "Practically uniform in size" means that not more than a total of 10 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(b) *Reasonably uniform in size*. "Reasonably uniform in size" means that not more than a total of 15 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(c) *Fairly uniform in size*. "Fairly uniform in size" means that not more than a total of 20 percent, by count, of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

§ 52.1030 *Degrees of uniformity of color*—(a) *White figs*—(1) *Practically uniform typical color*. "Practically uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 5 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 5 percent, by count, of dried figs that are markedly light-colored figs.

(2) *Reasonably uniform typical color*. "Reasonably uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 10 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 10 percent, by count, of dried figs that are markedly light-colored figs.

(3) *Fairly uniform typical color*. "Fairly uniform typical color" means, with respect to white varieties of dried figs that are light in color or are very light green in color, that there may be not more than 20 percent, by count, of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 20 percent, by count, of dried figs that are markedly light-colored figs.

(b) *Black figs*—(1) *Practically uniform typical color*. "Practically uniform typical color" means, with respect to

Black varieties of dried figs, that the color is practically uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 10 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-eighth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or disease (as defined in § 52.1031 (b)) which affect the color of the dried fig.

(2) *Reasonably uniform typical color* "Reasonably uniform typical color" means, with respect to Black varieties of dried figs, that the color is reasonably uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 20 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-fourth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or diseased (as defined in § 52.1031 (b)) which affect the color of the dried fig.

(3) *Fairly uniform typical color* "Fairly uniform typical color" means, with respect to Black varieties of dried figs, that the color is fairly uniform and a typical natural black or dark reddish-brown color of dried figs and that not more than 30 percent, by count, of the dried figs may be, singly or in combination:

(i) Affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are more than one-fourth but less than one-half of the exterior surface of the dried fig; or

(ii) Seriously damaged by scars or diseased (as defined in § 52.1031 (b)) which affect the color of the dried fig.

§ 52.1031 *Definitions of defects*—(a) *Damaged by scars or disease.* "Damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of a dried fig, is equal to, or exceeds, the area of a circle $\frac{3}{8}$ -inch in diameter but is less than the area of a circle $\frac{1}{2}$ inch in diameter.

(b) *Seriously damaged by scars or disease.* "Seriously damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of a dried fig, is equal to, or exceeds, the area of a circle $\frac{1}{2}$ inch in diameter. Figs which possess very light-colored scars that are not calloused are considered as "seriously damaged by scars" if such scars, singly or in the aggregate on a whole dried fig, are equal to one-half or more of the exterior surface of the dried fig.

(c) *Damaged by sunburn.* "Damaged by sunburn" means any substantial damage from excessive heat to the skin evidenced by dry and tough surface areas.

(d) *Seriously damaged by sunburn.* "Seriously damaged by sunburn" means any substantial damage from excessive

heat to the skin evidenced by dry and tough surface areas and which damage is accompanied by a lack of sugary tissue affecting one-third or more of the interior of a dried fig.

(e) *Damaged by mechanical injury.* "Damaged by mechanical injury" in Styles I (a) (b) and (c)—whole loose, whole pulled, and whole layered—dried figs means skin breaks that more than slightly affect the appearance of the product.

(f) *Seriously damaged by mechanical injury.* "Seriously damaged by mechanical injury" means injury to the styles of whole dried figs as follows: (1) In Style I (a) Whole, loose, figs and Style I (b) Whole, pulled, figs, the seed tissue is mashed out beyond the outer wall or there are excessive skin breaks which affect materially the appearance of the dried figs for the applicable style; (2) in Style I (c) Whole, layered, figs, there are excessive skin breaks (other than the normal splitting for the style) to the extent that a dried fig cannot be identified as a whole, layered, fig.

(g) *Damaged by visible sugaring.* "Damaged by visible sugaring" means white sugar crystals which form on the exterior surface of a dried fig or portion of a dried fig so as to damage materially the appearance. Units showing a few lightly sugared spots are not considered as "Damaged by visible sugaring" unless singly or in combination with other defective units they affect the appearance or edibility, or both, for the respective grade.

(h) *Damaged by other similar defects.* "Damaged by other similar defects" includes any exposed (external or cut surface) injury or defect not specifically mentioned (such as abnormally discolored areas other than from scars, disease, or sunburn) which more than

slightly affects the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "damage by other similar defects."

(i) *Seriously damaged by other similar defects.* "Seriously damaged by other similar defects" includes any exposed (external or cut surface) injury or defect not specifically mentioned (such as abnormally discolored areas other than from scars, disease, or sunburn) which affects materially the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "seriously damaged by other similar defects."

§ 52.1032 *Degree of flavor and odor*—(a) *Good flavor* "Good flavor" means a clean and distinct dried fig flavor and odor free from any flavors or odors such as are characteristic of scorching or caramelization and free from other slight abnormal flavors or odors.

(b) *Reasonably good flavor* "Reasonably good flavor" means a clean and distinct dried fig flavor and odor which may possess very slight flavors or odors such as are characteristic of slight scorching or slight caramelization or may possess other very slight abnormal flavors or odors.

(c) *Typical and normal flavor* "Typical and normal flavor" means a clean and distinct dried fig flavor and odor which may possess slight flavors or odors such as are characteristic of scorching or caramelization but may not possess any flavor in amounts resulting in objectionable or off flavors.

WORK SHEET

§ 52.1033 *Work sheet for grades of dried figs.*

Size and kind of container.....	.....
Container mark or identification.....	.....
Label or brand.....	.....
Net weight.....	.....
Color type () White () Black.....	.....
Style (type of pack).....	.....
Size or sizes (whole, loose, figs): % Size % Size % Size	.....
Moisture content.....	.....
Varietal characteristics: Similar Mixed	.....
Uniformity of color:	.....
White: Marked variation from Light Dark	.....
Black: Very light scars (uncalloused, etc.) Uniform; Natural Black	.....
Uniformity of size: (Whole, pulled, and layered). Conspicuously larger ; smaller	.....
Maturity and development:	.....
(A) Well-matured	.....
(B) Reasonably well-matured	.....
(C) Fairly well-matured	.....
Flavor and odor: (A), (B), (C)	.....
Count (per sample).....	.....

Defects	White figs			Black figs			
	A	B	C	A	B	C	
Seriously damaged by: scars or disease; sunburn, mechanical injury, ¹ other similar defects.....	3%	5%	7%	5%	7%	8%%
	Subtotal above defects					%
Damaged by: scars or disease, sunburn, mechanical injury, ¹ other similar defects.....						%
Grand total all defects.....	5%	10%	15%	10%	15%	20%%
U. S. Grade (including all factors).....							.....

¹ "Damaged or seriously damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

Dated: September 28, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-7954; Filed, Oct. 3, 1955;
8:51 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 1, 18, 24, 43]

ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

MISCELLANEOUS AMENDMENTS

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following rules, policies, and interpretations to implement the proposed amendments by the Civil Aeronautics Board to Parts 1, 18, 24, and 43 of the Civil Air Regulations. The proposed amendments of the Board are set forth in a notice of proposed rule making published simultaneously herewith which contains a detailed explanation of the proposed provisions.

All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules, policies, or interpretations should send them to the Director, Office of Aviation Safety, Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. By amending § 1.75-1 to read as follows:

§ 1.75-1 *Duration of experimental certificate (CAA policies which apply to § 1.75)* (a) Experimental certificates will be issued to expire on a specific date, or will indicate a condition under which the certificate will automatically expire. The duration of the experimental certificate may vary from one flight to a limited number of operating hours, or days. In any case, the duration will not exceed one year.

(b) It is the policy of the CAA to do everything possible to encourage legitimate experimentation leading to improvement in aircraft whenever this may be done without endangering the lives of persons or property not involved in the experimentation. Since it is recognized that a certain amount of danger to the operator is inherent in all experimental flying, the certificates issued for experimental aircraft will contain specific operating conditions and limitations designed to protect the lives and property of persons not involved in the experimentation.

2. By adding the following new sections to Part 18:

§ 18.10a-1 *Appropriately rated and certificated repair station (CAA interpretations which apply to § 18.10a (a), (b) and (c))* An appropriately rated and certificated repair station is a repair station holding either Class Airframe or Limited Airframe ratings appropriate to the make and model of aircraft to be inspected.

§ 18.12-1 *Appropriately rated and certificated repair station (CAA inter-*

pretations which apply to § 18.12 (a) (b) and (c)) An appropriately rated and certificated repair station is a repair station holding either Class Airframe or Limited Airframe ratings appropriate to the make and model of aircraft to be approved, and returned to service after undergoing 100-hour, periodic or progressive inspections.

§ 18.22-3 *Aircraft maintenance records (CAA rules which apply to § 18.22 (a))*—(a) *Periodic inspections.* (1) The authorized mechanic, repair station, or aircraft manufacturer conducting a periodic inspection of an aircraft will complete the franked Form ACA-2350 entitled, "Aircraft Use and Inspection Report," in accordance with the instructions contained in appendix A,¹ and mail the form to the Aviation Safety District Office as soon as possible but not later than 48 hours following such inspection.

(2) In the event that a mechanic, repair station, or manufacturer conducting an inspection finds that an aircraft is unairworthy or does not conform with the applicable CAA aircraft specifications, airworthiness directives, or other approved data, the inspecting agency shall provide the aircraft owner or lessee with a signed and dated copy of a list of the discrepancies and forward a similar list with the Form ACA-2350 to the Aviation Safety District Office as soon as possible but not later than 48 hours following such inspection.

(b) *Progressive inspections.* (1) A mechanic, repair station, or manufacturer shall complete and mail the Aircraft Use and Inspection Report form to their local Aviation Safety District Office after the completion of the first complete inspection of an aircraft which is required at the commencement of a progressive inspection, as soon as possible but not later than 48 hours after such inspection. Thereafter, this form shall also be completed by the inspecting agency and submitted to the district office once each year during the month of January.

(2) When the progressive inspection system for a particular aircraft has been discontinued, the inspecting agency shall notify the local Aviation Safety District Office thereof by completing an Aircraft Use and Inspection Report form and adding the word "discontinued" (typed or written) over the box preceding "Progressive Inspection" and mailing such form to the district office as soon as possible but not later than 48 hours after the inspection is discontinued.

§ 18.30-18 *Periodic and 100-hour inspections (CAA rules which apply to § 18.30 (c))*—(a) *General.* The inspecting agency shall employ an inspection form as a checklist while performing a periodic or 100-hour inspection. Such form may be developed by the mechanic, repair station, or the manufacturer similar to the form given in appendix A,¹ or provide the scope and detail of the items of inspection set forth in subdivisions (i) through (xi) of subparagraph (1) of this paragraph.

¹ Appendix A not filed with the Federal Register Division.

(1) *Inspection procedures.* Prior to inspection, all necessary inspection plates, access doors, fairing and cowling shall be opened or removed and the aircraft and engine thoroughly cleaned to properly reveal the actual condition of the parts being inspected. Airworthiness of the aircraft shall be determined by thoroughly inspecting the pertinent items in subdivisions (i) through (xi) of this subparagraph in accordance with instructions contained in the aforementioned subdivisions, manufacturers' inspection procedures, supplemental service information, and standard inspection practices. The aircraft shall conform with CAA aircraft specifications, airworthiness directives, or other approved data before being checked as airworthy.

(i) *Fuselage and hull group.* The fuselage and/or hull shall be carefully inspected for general condition; fabric or skin for deterioration, distortion, other evidence of failure, and security of attachment of fittings. The various systems and components installed in this group shall be checked to assure that they are properly installed with no apparent defects and are operating satisfactorily. When applicable, the same general inspection procedures will apply to lighter-than-aircraft and a determination made of the condition of the envelop, gas bags, ballast tanks, etc. Rotary-wing-type aircraft or other craft utilizing rotor drive shafts or other similar systems shall have the shafts inspected in accordance with the manufacturer's maintenance manual.

(ii) *Cabin and cockpit group.* The cabin and cockpit shall be checked for cleanliness and/or loose equipment which might foul the controls; seats and safety belts for condition and apparent defects; windows and windshields for deterioration or breakage; instruments for condition, mounting, marking, and, where practicable, proper operation; flight and engine controls for proper installation and operation; batteries for installation and proper charge; the various systems for installation, general condition, apparent and obvious defects and security of attachment. The above inspection procedure will also apply to the control car of lighter-than-aircraft.

(iii) *Engine and nacelle group.* All necessary engine cowling shall be removed and a visual inspection shall be made of the entire engine section for evidence of excessive oil, fuel, or hydraulic leaks. Any and all leaks shall be traced to their origin so that they may be corrected. All studs and nuts shall be checked for tightness or obvious defects. The general internal condition of the engine shall be determined by checking cylinder compression, condition of screens and sump drain plugs for foreign material and metal particles. Cylinders with weak compression shall be removed and the internal condition and clearances checked for tolerances. The engine mount shall be inspected for cracks, tightness of mounting, and security of engine attachment to mount. The flexible vibration dampeners shall be examined to insure they are in good condition. The engine controls shall be examined for defects, proper travel, and

safetying; lines for leaks and hoses and clamps for condition and tightness. Exhaust stacks shall be checked for cracks or other defects and satisfactory attachments. Accessories shall be examined for apparent defects and security of mounting. The various systems shall be inspected for proper installation, general condition, defects, and attachment. Cowling shall be inspected for cracks or other defects. On rotary-wing-type aircraft the main rotor transmission gear box shall be inspected for obvious defects as outlined in the manufacturer's maintenance manual.

(iv) *Landing gear group.* The landing gear shall be examined for general condition and security of attachment of all units. Shock-absorbing devices shall be in good condition and oleo fluid level shall be proper height. All linkage, trusses, and members shall be inspected for evidence of undue or excessive wear, fatigue, distortion, and security of attachment. The retracting and locking mechanisms, when installed, shall be examined for satisfactory operation. Hydraulic lines shall be checked for leakage and electrical systems for chafing and proper operation of switches. The wheels shall be removed and examined for cracks or other defects, condition of bearings, tires for wear or cuts, brakes for proper adjustment. If floats or skis are installed, they shall be inspected for security of attachment, general condition, and any obvious or apparent defects.

(v) *Wing and center section group.* The airworthiness of the wing and center section group shall be determined by thoroughly inspecting the complete assemblies for general condition, fabric or skin for deterioration, distortion, other evidences of failure, and for security of attachment. This inspection shall include the various systems installed which make up a complete wing assembly. Rotary-wing-type aircraft shall be inspected in accordance with the manufacturer's maintenance manual.

(vi) *Empennage group.* The complete empennage assembly shall be inspected for general condition; fabric or skin for deterioration, distortion, other evidences of failure, and for security of attachment. Components and systems which make up the complete assembly shall receive the same attention and it shall be determined that they are installed properly and operating satisfactorily. Lighter-than-air craft shall be inspected in the same manner. Helicopters shall have the tail rotors inspected in accordance with the manufacturer's maintenance manual.

(vii) *Propeller group.* All parts of the propeller shall be carefully examined for cracks, nicks, bends, or oil leakage, if hydraulically controlled. All bolts shall be properly torqued and safetied. The propeller anti-icing devices shall be checked for proper operation or obvious defects. The control mechanism shall operate satisfactorily, be securely mounted, and controls operate through full range of travel.

(viii) *Radio group.* Radio and electronic equipment shall be inspected for installation and security of mounting.

Wiring and conduits shall be checked for proper routing and security of mounting to prevent short-circuiting and to insure that there are no other obvious defects. Bonding and shielding will be determined to be properly installed and in good condition. All antennas shall be inspected for condition and security and, if installed, trailing antenna mechanism shall be inspected for proper operation.

(ix) *Miscellaneous group.* When installed, the miscellaneous items of equipment shall be inspected to determine that the component or assembly is installed in accordance with accepted standard practices, and that the items are operating satisfactorily.

(x) *Operational check—preflight.* Prior to releasing an aircraft as airworthy for operation the engine or engines shall be run up to determine satisfactory performance by the power output (static and idle r. p. m.) magneto drop, fuel and oil pressure, cylinder and oil temperatures in accordance with the manufacturer's recommendations.

(xi) *Aircraft maintenance record entries—(a) Periodic or 100-hour inspections.* Where the aircraft is found to be in an airworthy condition after a periodic or 100-hour inspection, the mechanic, repair station, or manufacturer releasing the aircraft to service shall enter the following notation, inserting the type of inspection (i. e., 100-hour or periodic) in the aircraft maintenance records over the mechanic's signature and certificate number, repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include time in service, and date of inspection:

I certify that this aircraft has been inspected in accordance with a _____
(Insert type)
inspection and was determined to be in airworthy condition.

(b) *Unairworthy aircraft.* Where the aircraft is found unairworthy because of needed maintenance or repairs or is found not to meet the requirements of the applicable specifications, airworthiness directives, or other approved data, such unairworthy items may be corrected by the inspecting mechanic, repair station, or manufacturer. In the event required maintenance is to be performed by a person other than the one who conducted the periodic inspection, the person making the periodic inspection shall provide the aircraft owner or lessee with a signed and dated copy of a list of the discrepancies and make the following statement in the aircraft maintenance records over the mechanic's signature and certificate number, the repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include aircraft time in service and date of inspection:

I certify that this aircraft has been inspected in accordance with a periodic inspection and a list of the discrepancies and unairworthy items dated (date) has been provided for the aircraft owner or lessee.

The aircraft owner or his agent shall obtain a ferry flight authorization, in accordance with Part 1 of this subchapter, prior to ferrying an aircraft for the purpose of obtaining required maintenance or correcting discrepancies.

pose of obtaining required maintenance or correcting discrepancies.

§ 18.30-19 *Progressive inspection (CAA rules which apply to § 18.30 (c))—*

(a) *General.* The progressive inspection is designed to permit the increased utilization of an aircraft, particularly a multi-engine type, by scheduling inspections through the use of a planned inspection schedule.

(b) *Routine and detailed inspections.* The inspection system will consist of a routine inspection which provides a visual examination or check of the aircraft and its components and systems insofar as practical, without disassembly, and a detailed inspection which will permit a thorough examination of the aircraft and its components and systems by such disassembly as necessary. Since the overhaul of a component or system includes a thorough examination, such overhaul will be considered to be a detailed inspection. The frequency and detail of both the routine and detailed inspections shall provide complete inspection of the aircraft within each 12 calendar months and be consistent with the manufacturer's recommendations, field service experience, and the type of operation in which the aircraft is engaged to insure that the aircraft and its components and systems are in an airworthy condition and conform with the applicable CAA aircraft specifications, airworthiness directives, or other approved data. Such inspections shall include, but not be limited to, the items specified in appendix A.¹

(c) *Inspection schedule.* The frequency of both inspections shall be outlined in the form and manner specified in the progressive inspection schedule contained in appendix A¹ and shall specify the intervals when the inspection or overhauls will be performed, either in hours or days, as appropriate.

(d) *Inspection procedures.* A progressive inspection shall be conducted in accordance with the following procedures:

(1) The aircraft shall be inspected completely at the commencement of a progressive inspection. Thereafter, routine and detailed inspections shall be conducted at regular intervals in accordance with the inspection schedule. Normally, all inspection shall be conducted by the inspecting agency having responsibility for the progressive inspection of such aircraft. However, where an aircraft is en route when inspections become due, routine and detailed inspections may be performed by an appropriately rated and certificated mechanic, or repair station, or the manufacturer provided such inspections are conducted in accordance with the forms and procedures to be furnished by the inspecting facility which would otherwise conduct the inspection of the aircraft. Upon completion of the inspection, such inspection forms shall be returned to the inspecting agency furnishing the forms for their records. When an aircraft is no longer to be inspected in accordance with a progressive inspection, the first

¹ Appendix A not filed with Federal Register Division.

periodic will be due within 12 calendar months after the last complete inspection of the aircraft under the progressive. If passengers are carried for hire the 100-hour inspection will be due within 100 hours after such last complete inspection. A complete inspection of the aircraft, for the purpose of determining when the periodic and 100-hour inspections are due, will require a detailed inspection of the aircraft and all its components in accordance with the progressive inspection. For example, a routine inspection of the aircraft and a detailed inspection of several components will not be considered to be a complete inspection.

(e) *Records.* Upon the satisfactory completion of a routine or detailed inspection conducted in accordance with a progressive inspection system, the mechanic, repair station, or manufacturer conducting such inspection shall enter a brief description of the extent of the inspection accomplished and a statement in the aircraft maintenance records, over the mechanic's signature and certificate number, the repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include time in service, and date of inspection as follows:

A routine inspection of _____ (Identify whether _____ and a detailed inspection of _____ (Identify components) were performed in accordance with a progressive inspection and the aircraft is released to service.

3. By adding the following new sections to Part 24.

§ 24.43-1 *Inspection authorization (CAA rules which apply to § 24.43)*—

(a) *Qualifications.* Authority to examine, inspect, and release aircraft for service in accordance with § 24.43 (a) will be granted to any certificated mechanic applying in accordance with paragraph (b) of this section who has the following additional qualifications:

(1) His airframe and powerplant ratings shall have been in effect continuously for a minimum of three years immediately preceding the date of application;

(2) He has been actively engaged in the inspection, maintenance, and repair of U. S. civil aircraft and engines for at least two years immediately preceding the date of application;

(3) He shall have a fixed base of operation at which he can be contacted in person or by telephone during a normal working week. The fixed base of operation does not necessarily have to be the location at which the applicant will exercise the inspection authority.

(4) He shall have available such equipment, facilities, and inspection data as are necessary for the competent and efficient inspection of airframes and powerplants to determine compliance with applicable Civil Air Regulations;

(5) He shall have a satisfactory record as a CAA Designated Aircraft Maintenance Inspector for at least one year im-

mediately preceding the date of application, or

(6) He shall by examination satisfactorily demonstrate his knowledge and ability to conduct inspections in accordance with the prescribed safety standards for returning aircraft to service after major repairs and alterations performed in accordance with CAR 13 and the inspections required by § 43.22 of this subchapter.

(b) *Procedure for making application.* A certificated mechanic meeting the qualification requirements of paragraph (a) (1) through (5) of this section who desires the authorization to perform the privileges of § 24.43, shall make application on Form ACA-2353, entitled "Mechanic's Application for Inspection Authorization."² Applicants who only meet the requirements of paragraph (a) (1) through (4) of this section shall complete Form ACA-2353 and shall satisfactorily accomplish the examination required in paragraph (a) (6) of this section.³ In the event an applicant fails the examination he may not apply for reexamination for 90 days.

(c) *Inspection authorization.* Applicants found qualified will be issued Form ACA-2354, entitled, "Inspection Authorization." This inspection authorization shall be kept readily available by the mechanic at all times when exercising the privileges of § 24.43 and shall be available for inspection by the aircraft owner, by the mechanic submitting the aircraft or the repair for approval, or by an authorized representative of the Administrator or the Civil Aeronautics Board. The holder of an inspection authorization shall not exercise the privileges of the authorization when he has changed his fixed base of operation until written notification thereof has been given to the Aviation Safety District Office in the area in which the new base is established.

(d) *Duration of authorization.* An inspection authorization shall expire on March 31 of each year.

(e) *Procedure for renewal of authorization.* The holder of an inspection Authorization, Form ACA-2354, may have the authorization extended until March 31 of the following year by:

(1) Presenting evidence, at an Aviation Safety meeting designated by the local Aviation Safety District Office during the month of March each year, to show that the holder has been actively engaged in exercising the privileges of the inspection authorization during the preceding 12 months in at least one of the following capacities:

(i) Conducted at least one periodic inspection for each 90 days⁴ the authorization has been in effect since issuance or last renewal, or

(ii) Inspected for return to service at least two repairs or alterations for each

² Appendix B contains additional instructions for making application for mechanic's inspection authorization. Appendix B not filed with Federal Register Division.

³ Appendix C contains additional information concerning the written examination. Appendix C not filed with Federal Register Division.

90 days⁴ the authorization has been in effect since issuance or last renewal, or

(iii) Supervised or conducted progressive inspections in accordance with the standards prescribed by the Administrator.

(2) Reapplying for the inspection authorization in accordance with the procedures set forth in paragraph (b) of this section.

§ 24.43-2 *Prescribed standard (CAA interpretations which apply to § 24.43)* The phrase "standards prescribed by the Administrator" means the standards set forth in CAR 13 for returning major repairs and alterations to service and for returning aircraft to service after the inspections required by § 43.22 of this subchapter.

4. By adding the following new sections to Part 43:

§ 43.20-1 *General (CAA interpretations which apply to § 43.20)* (a) This section should be interpreted to mean that maintenance may be required between the inspections required by § 43.20.

(1) Primary responsibility for maintaining the aircraft in an airworthy condition is that of the aircraft owner unless other arrangements are made with the lessee. The owner or lessee must make the aircraft available for required inspections and necessary maintenance. Between the inspections required by § 43.22, the owner or lessee is expected to make the aircraft available for such maintenance as necessary to keep the aircraft in an airworthy condition. Various types of aircraft will require different degrees of maintenance. Factors such as kind of operation, climatic conditions, storage facilities, and age of the aircraft will influence the maintenance requirements. Experience has indicated that most aircraft will require some type of preventive maintenance every 25 hours or less and minor maintenance at least every 100 hours.

(2) The pilot, however, must assume responsibility for determining that an aircraft is in condition for safe flight or discontinuing the flight when unworthy mechanical or structural conditions occur. In this connection, the pilot is expected to make a preflight inspection. The preflight inspection will include, but not be limited to, a visual inspection of the aircraft and its components for general condition and state of repair, a functional check of controls, powerplants, instruments, and a determination that sufficient fuel and oil are aboard for the proposed flight. The pilot must also assure himself that maintenance personnel have made appropriate entries in the aircraft and maintenance records to indicate that the aircraft has been released to service.

(3) The mechanic or agency must assume responsibility for the inspections which they conduct and for any maintenance which they perform. Further,

⁴ Inspection authorizations which have been in effect less than 90 days will be renewed for another year provided the holder still meets the qualifications required for original appointment by § 24.43-1 (a) (1), (2), (3), and (4).

they must provide the owner with evidence that such work has been accomplished in accordance with § 43.23.

§ 43.22-1 *Inspections (CAA interpretations which apply to § 43.22)*—(a) *General.* (1) An aircraft issued an airworthiness certificate containing an expiration date is permitted to operate in accordance with the provisions of § 43.22 prior to its revision. Upon expiration of such certificate the owner or lessee may apply for an airworthiness certificate of indefinite duration in accordance with Part 1 of this subchapter.

(2) The owner or lessee may at his option exchange an unexpired airworthiness certificate for an airworthiness certificate of indefinite duration by contacting a representative of the Administrator authorized to issue such certificates. Subsequent to exchanging the airworthiness certificate, the first periodic inspection would be required within 12 calendar months after the last annual inspection. If passengers are carried for hire a 100-hour inspection would be required within 100 hours of the last periodic or annual inspection. This interval may be exceeded by not more than 10% when necessary to complete a flight or trip.

(3) In the event the owner or lessee elects to use the progressive inspection an unexpired airworthiness certificate must be exchanged for a certificate of indefinite duration prior to commencing such inspection.

(b) *Periodic and 100-hour inspections.* Since the 100-hour and periodic inspections are defined as complete inspections of an aircraft, the periodic inspection will be accepted as a 100-hour inspection also the 100-hour inspection will be accepted as a periodic when performed by a person specified in § 18.10a (b) of this subchapter and approved for return to service by a person specified in § 18.12 (b) of this subchapter.

§ 43.22-2 *Progressive inspections (CAA rules which apply to § 43.22 (b))*

(a) If a registered aircraft owner or lessee elects to use the progressive inspection he shall provide the following inspection personnel, inspection procedures manual, facilities and technical information and submit a statement to this effect to the local Aviation Safety District Office (see appendix A² for example) prior to using such inspection:

(1) The services of an authorized mechanic, an airframe repair station, or the manufacturer of the aircraft to supervise or conduct the progressive inspection.

(2) An inspection procedures manual which must be maintained in a current condition at all times. It shall be available to and in a form that is readily understood by pilot and maintenance personnel. It shall contain the following information in detail:

(i) An explanation of the progressive inspection outlining continuity of inspection responsibility including responsibility for submission of reports and maintenance of records and technical reference material.

(ii) An inspection schedule including instructions for exceeding an interval by not more than 10% while en route and for amending any interval on the basis of service experience.

(iii) Sample routine and detailed inspection forms, including instructions for their use.

(iv) Sample reports and records and instructions for their use.

(3) Sufficient housing and equipment for the necessary disassembly and proper inspection of the aircraft undergoing progressive inspection.

(4) Appropriate and current technical information for the aircraft undergoing progressive inspection shall be available to inspection personnel.

(b) Upon discontinuance of a progressive inspection the registered owner or lessee shall submit immediately to the local Aviation Safety District Office a written statement to this effect (see appendix A¹ for example)

5. Section 43.23-1 of Part 43 is amended to read as follows:

§ 43.23-1 *Aircraft and engine maintenance records (CAA rules which apply to § 43.23)* The maintenance records prescribed in § 43.23 shall provide a separate, current, and permanent record of the maintenance accomplished on the aircraft and each engine and shall be suitably identified as to the make, model, serial number, and, if applicable, registration number of the aircraft or engine involved. Each record shall be of sufficient size to accommodate the following basic information for the aircraft, and where applicable, each engine:

(a) *Maintenance.* The record of maintenance shall include the type and extent of maintenance, alterations, repair, overhaul, or inspection and reflect the time in service and date when completed.

(b) *Compliance with mandatory notes.* Chronological listing of compliance with service bulletins, airworthiness directives, etc., including a description of the method of compliance.

(c) *Weight and balance record.* Current empty weight, empty center of gravity and useful load.

(d) *Equipment list.* Entries shall be made to reflect optional equipment which has been added or removed. Required equipment shall not be listed except when exchanged or replaced by optional equipment.

(e) *Record of major repairs and major alterations.* Reference to repair and alteration Form ACA-337 by date or work order by number and approving agency is sufficient.

6. By adding a new § 43.23-2 to read as follows:

§ 43.23-2 *Maintenance of engine logs (CAA interpretations which apply to § 43.23)* A record of the previous operating time and history of all engines overhauled, repaired, or reassembled to standards other than those for rebuilt engines, as defined in § 43.24-1 shall be retained in the engine logbooks.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-603, 52 Stat. 1007-1009, as amended; 49 U. S. C. 551-553)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8020; Filed, Oct. 3, 1955; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 18, 24, 42, 43, 52]

ELIMINATION OF ANNUAL INSPECTION OF
GENERAL AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 1, 18, 24, 42, 43, and 52 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration before taking further action on the proposed rules, communications must be received by November 15, 1955. Copies of such communications will be available after November 18, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On December 30, 1954, the Bureau issued a notice of proposed rule making which was published in the FEDERAL REGISTER (20 F. R. 232) and circulated as Civil Air Regulations Draft Release No. 54-27, a proposal to amend Parts 1, 18, 24, 43, and 52 of the Civil Air Regulations to eliminate the requirement for the annual inspection of general aircraft by a representative of the Administrator. The objective of the proposal was to simplify the present procedure for the inspection and return to service of non-air-carrier aircraft and to permit the industry to assume more responsibility for the continued airworthiness of such aircraft. The comments received in response to this proposal indicated that there was general agreement with the objective but considerable disagreement with the proposed requirements for periodic inspection, progressive inspection, and minimum activity of authorized mechanics. In addition, numerous requests were received for a public meeting in order that some segments of the industry might have an opportunity to discuss their particular problems with representatives of the Board and the Civil Aeronautics Administration (CAA). In view of these requests and the comments received, the Bureau determined that a public discussion would be of constructive assistance in the further development of these rules and the related Civil Aeronautics Manual material.

Accordingly, on April 13, 1955, a meeting was held in Washington, D. C., which was attended by representatives of most

² Appendix A not filed with Federal Register Division.

segments of general aviation and representatives of the Board and the CAA. In the course of the meeting, the CAA presented alternate proposals with respect to requirements for the periodic inspection, progressive inspection, and minimum activity of authorized mechanics for those originally proposed in Draft Release No. 54-27. The representatives of the industry who were present voiced their approval of the alternate proposals and were informed that the Bureau of Safety Regulation would consider revising the proposals circulated in Draft Release No. 54-27 to incorporate the alternate proposals and publishing such a revision as another notice of proposed rule making. Such a revision is contained herein.

The original proposal provided that the periodic inspection be accomplished prior to each 100 hours of time in service. This new proposal would require all aircraft carrying passengers for hire or used for flight instruction for hire to be given a 100-hour inspection within each 100 hours of time in service with a 10 percent tolerance to permit exceeding the 100 hours in cases where the aircraft is en route and cannot return to its normal base before the 100-hour interval is reached. In the event the tolerance is used, the time would be included in the following 100-hour period. This inspection could be accomplished by any appropriately certificated mechanic, repair station, or by the manufacturer of the aircraft.

One periodic inspection of an aircraft would be required in each calendar year. The original proposal provided that this inspection be performed and approved by a certificated mechanic holding an inspection authorization, or by an appropriately certificated repair station. This new proposal would permit the manufacturer of the aircraft also to conduct and approve such an inspection.

With respect to the progressive inspection, the original proposal provided that this inspection be accomplished by an appropriately certificated repair station. This proposal would permit the aircraft owner or lessee to employ a progressive inspection if he arranges with a certificated mechanic holding an inspection authorization to perform or supervise this inspection when the proper facilities, equipment, and service information are available. In addition, the owner or lessee may arrange with an appropriately certificated repair station or the manufacturer of the aircraft to perform or approve this inspection.

The Administrator of Civil Aeronautics originally proposed to require an authorized mechanic to inspect and return to service at least two aircraft or two major repairs or major alterations of components in each month in order to retain an inspection authorization. The attached proposal of the Administrator provides that the individual must conduct at least one periodic inspection or two inspections of major repairs or major alterations for each 90 days his authorization is in effect, or that the individual must supervise or perform a progressive inspection throughout the year, on at least one aircraft, in order to retain the authorization.

In order that interested persons can acquaint themselves with the proposed rules, policies, and interpretations by which the Administrator intends to implement these proposals, the proposed manual material of the Administrator is being published concurrently with this notice of proposed rule making. Similarly, the coordinated draft releases of the Bureau of Safety Regulation and the Administrator are being circulated together to the industry.

In view of the foregoing, notice is hereby given that it is proposed to amend Parts 1, 18, 24, 42, 43, and 52 of the Civil Air Regulations as follows:

1. By amending § 1.64 (a) of Part 1 to read as follows:

§ 1.64 *Duration.* (a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Board, an airworthiness certificate shall remain in effect as long as the maintenance requirements of Part 43 of this chapter are complied with.

2. By redesignating §§ 1.75 and 1.76 of Part 1 as §§ 1.76 and 1.77, respectively, and by adding a new § 1.75 to read as follows:

§ 1.75 *Experimental certificates; duration.* (a) An experimental certificate shall remain in effect for one year from the date of issuance or renewal, unless a shorter period is established by the Administrator.

(b) The Administrator may, from time to time, reinspect any aircraft or part thereof to see whether it is in an airworthy condition. The owner, operator, or bailee of the aircraft shall make it available for such inspection upon request.

(c) Upon suspension, revocation, or termination by order of the Board of an experimental certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to an authorized representative of the Administrator.

3. By amending § 18.1 (a) of Part 18 by adding new subparagraphs (12a) (19b) (22a), and (24a) to read as follows:

§ 18.1 *Definitions.* (a) * * *

(19a) *One-hundred hour inspection.* A 100-hour inspection is an inspection required within each 100 hours of time in service of an aircraft used for the carriage of passengers for hire or used for flight instruction for hire and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

(19b) *Periodic inspection.* A periodic inspection is an inspection required once each 12 calendar months and is a complete airworthiness inspection of an aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

(22a) *Progressive inspection.* A progressive inspection is a continuing airworthiness inspection of an aircraft and its various components and systems at

scheduled intervals in accordance with procedures prescribed by the Administrator.

(24a) *Time in service.* Time in service, as used in computing maintenance and inspection time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

4. By adding a new § 18.10a to read as follows:

§ 18.10a *Persons authorized to perform one-hundred hour periodic, and progressive inspections—*(a) *One-hundred hour inspection.* No person shall perform 100-hour inspections except as provided as follows:

(1) Certificated mechanics who together hold airframe and powerplant ratings, or a certificated mechanic holding both such ratings; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

(b) *Periodic inspection.* No person shall perform periodic inspections except as provided as follows:

(1) A certificated mechanic holding both airframe and powerplant ratings and an inspection authorization issued by the Administrator in accordance with Part 24 of this chapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

(c) *Progressive inspection.* No person shall perform or supervise progressive inspections except as provided as follows:

(1) A certificated mechanic holding both airframe and powerplant ratings and authorized by the Administrator in accordance with Part 24 of this chapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

5. By amending § 18.11 (b) by adding a new subparagraph (6) to read as follows:

§ 18.11 *Persons authorized to approve maintenance, repair and alterations:*

(b) *Major repairs and major alterations.* * * *

(6) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with the provisions of Part 24 of this chapter, if the work has been performed in accordance with a manual, specification, or other technical data approved by the Administrator.

6. By adding a new § 18.12 to read as follows:

§ 18.12 *Persons authorized to approve aircraft following one-hundred hour periodic, and progressive inspections—*

* Formerly designated § 1.64 (a) (1).

(a) *One-hundred hour inspection.* No aircraft which has undergone a 100-hour inspection may be approved and returned to service except by one of the following:

(1) An appropriately certificated mechanic; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

(b) *Periodic inspection.* No aircraft which has undergone a periodic inspection may be approved and returned to service except by one of the following:

(1) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with Part 24 of this chapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

(c) *Progressive inspection.* No aircraft which is inspected in accordance with the progressive inspection system may be approved and returned to service except by one of the following:

(1) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with Part 24 of this chapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer, if the aircraft was built by him and he is operating under an approved production inspection system or production certificate.

7. By adding a new § 18.22a to read as follows:

§ 18.22a *Form and disposition of periodic and progressive inspection records.* A record of periodic and progressive inspections shall be entered on a form prescribed by the Administrator. Such form shall be completed and disposed of in a manner prescribed by the Administrator.

8. By amending § 18.30 by adding a new paragraph (c) to read as follows:

§ 18.30 *Standard of performance; general.* * * *

(c) *Inspections.* One-hundred hour, periodic, and progressive inspections shall be accomplished in accordance with procedures prescribed by the Administrator.

9. By amending § 24.40 of Part 24 by adding the reference "24.43" after the reference "24.42"

10. By amending § 24.41 by adding the following sentence at the end thereof: "In addition, he may perform the 100-hour inspection required by Part 43 of this chapter on an airframe, or any component thereof, and may release the same for service."

11. By amending § 24.42 by adding the following sentence at the end thereof: "In addition, he may perform the 100-hour inspection required by Part 43 of this chapter on a powerplant or pro-

peller, or any component thereof, and may release the same for service."

12. By adding a new § 24.43 to read as follows:

§ 24.43 *Airframe and powerplant ratings.* (a) A certificated mechanic holding both airframe and powerplant ratings and having such other qualifications as the Administrator may deem appropriate, when issued an inspection authorization by the Administrator under paragraph (b) of this section, may:

(1) Examine, inspect, and return to service aircraft or aircraft components thereof (excluding aircraft operated in accordance with the provisions of Part 40 or Part 41 of this chapter, and aircraft of more than 12,500 pounds maximum certificated take-off weight when operated in accordance with the provisions of Part 42 of this chapter) after major repairs and major alterations have been made in accordance with the provisions of Part 18 of this chapter; and

(2) Perform the periodic and perform or supervise the progressive inspections required by Part 43 of this chapter. The activities conducted under authority of this section shall be in accordance with procedures and standards prescribed by the Administrator.

(b) The Administrator shall issue an appropriate, written inspection authorization to any person qualified under paragraph (a) of this section who shall apply therefor, in the manner and form specified by the Administrator.

13. By amending § 42.31 (a) (2) of Part 42 to read as follows:

§ 42.31 *Inspections and maintenance.* (a) * * *

(2) Small aircraft shall be inspected in accordance with the inspection provisions of Part 43 of this chapter.

14. By amending § 43.20 of Part 43 to read as follows:

§ 43.20 *General.* No person shall operate an aircraft unless it is in an airworthy condition. Maintenance shall be performed in accordance with Part 18 of this chapter.

15. By amending § 43.22 to read as follows:

§ 43.22 *Inspections—(a) Periodic and one-hundred hour inspections.* No person shall operate an aircraft unless within the preceding 12 calendar months it has been given a periodic inspection in accordance with the requirements of Part 18 of this chapter and has been approved for return to service by a person authorized by Part 18 of this chapter. Additionally, an aircraft shall not carry passengers for hire or be used for flight instruction for hire unless within each 100 hours of time in service it has been inspected in accordance with the requirements of Part 18 of this chapter and has been approved for return to service by a person authorized in Part 18 of this chapter, except that this interval may be exceeded by not more than 10 hours when necessary to reach a point at which the inspection may be accomplished, in which event such time must be included in the next 100-hour interval. The

periodic inspection required above will be accepted as a 100-hour inspection.

(b) *Progressive inspection.* An aircraft shall be exempt from the provisions of paragraph (a) of this section provided:

(1) The owner or operator provides or makes arrangements for suitable procedures, personnel, and facilities for progressive inspection as prescribed by the Administrator; or

(2) It is an aircraft inspected and maintained in accordance with the provisions of Part 40 or Part 41 of this chapter; or

(3) It is an aircraft of more than 12,500 pounds maximum certificated take-off weight operated in accordance with the provisions of Part 42 of this chapter.

NOTE: Until the expiration or exchange of the currently effective airworthiness certificate, an aircraft will be operated in accordance with the provisions of § 43.22 prior to its revision. However, the owner or operator may, at his option, exchange the old certificate at any time prior to its expiration date. For the purpose of implementing this amendment, the inspection for original issuance or renewal of the airworthiness certificate may be considered equivalent to the periodic inspection required by the amended § 43.22 (a). The periodic inspection required by § 43.22 (b) prior to this amendment will be considered equivalent to a 100-hour inspection required by the amended § 43.22 (a).

16. By amending § 43.23 to read as follows:

§ 43.23 *Aircraft and engine maintenance records.* The registered owner or operator shall maintain a maintenance record in a form and manner acceptable to or prescribed by the Administrator which shall contain a current, accurate, and permanent record of the total time in service on the aircraft and on each engine, a record of inspections, and the records of maintenance required by Part 18 of this chapter. Such record shall be (a) presented for required entries each time inspection or maintenance is accomplished on the aircraft or engine, (b) transferred to the new registered owner or operator upon disposition of the aircraft or engine involved, and (c) made available for inspection by authorized representatives of the Administrator or Board.

17. By amending § 43.70 by adding the following definitions:

§ 43.70. *Definitions.* * * *

Aircraft. An aircraft means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

Maintenance. Maintenance, which includes preventive maintenance, means the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

Operate. Operate means to cause or authorize the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft.

One-hundred hour inspection. A 100-hour inspection is an inspection required

within each 100 hours of time in service of an aircraft used for the carriage of passengers for hire or used for flight instruction for hire and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

Periodic inspection. A periodic inspection is an inspection required once each 12 calendar months and is a complete airworthiness inspection of an aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

Progressive inspection. A progressive inspection is a continuing airworthiness inspection of an aircraft and its various components and systems at scheduled

intervals in accordance with procedures prescribed by the Administrator.

Time in service. Time in service, as used in computing maintenance and inspection time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

18. By amending § 52.22 (d) of Part 52 by deleting the words "annual inspections" and inserting in lieu thereof the words "100-hour, periodic, and progressive inspections"

19. By amending § 52.41 (d) by deleting the words "annual inspection" and inserting in lieu thereof the words "100-hour, periodic, and progressive inspections"

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 203, 52 Stat. 924; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1037-1042, as amended; 49 U. S. C. 531-533)

Dated at Washington, D. C., September 29, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director

[P. R. Doc. 55-5919; Filed, Oct. 3, 1955; 8:56 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

ZEMANEK & CO., LTD., ET AL.

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Zemanek & Co., Limited, P. Fisher, Chairman and Director, F. Gintz, Director, 46-47 Chancery Lane, London, W. C. 2, England, Respondents.

The respondents, Zemanek & Co., Limited, P. Fisher and F. Gintz are the subjects of an investigation concerning an alleged transshipment to Czechoslovakia of asbestos exported from the United States to Germany under a general license, the latter country having been designated as the country of ultimate destination and consumption, and the Director, Investigation Staff, Bureau of Foreign Commerce, has applied for an order temporarily denying to the respondents all export privileges pending completion of the investigation and the determination of any charges which may be brought against them. The application was made pursuant to § 382.11 (b) of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, being of the opinion that there is reasonable ground to believe that the respondents have purchased from an American exporter and have transshipped to Czechoslovakia 8,000 bags of asbestos exported from the United States under a general license permitting their shipment to Germany as the country of ultimate destination and consumption, and that the respondents have purchased also another 150 bags of asbestos from and exported to them by an American exporter, both of which transactions

were accomplished during the time when the respondents were subject to an order denying export privileges to them (18 F. R. 5372, September 4, 1953), which order terminated August 31, 1955, and that the respondents, unless prevented by action of this Department, may transship or attempt to transship to unauthorized destinations commodities exported from the United States under general license or under validated licenses, restricted to specified designations only, and, having concluded (a) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondents may be prevented from receiving and so transshipping commodities exported from the United States, and (b) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act,

It is hereby ordered:

(1) All outstanding validated export licenses in which the respondents appear or participate as purchasers, intermediate or ultimate consignees, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondents, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation was accomplished prior to or subsequent to the date hereof. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or dis-

posing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This Order shall be published in the FEDERAL REGISTER, shall be effective forthwith and shall remain in effect until the completion of the investigation of the conduct of the respondents and until the final determination of any compliance proceeding which may be brought against them except insofar as this order may be amended or modified hereafter in accordance with the export control regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereof have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the respondents by registered mail.

(7) In accordance with the provisions of § 382.11 (c) of the export control regulations, the respondents may move at any time prior to the entry of a final order of suspension to vacate or modify this temporary suspension order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner and it may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest possible date.

Dated: September 29, 1955.
JOHN C. BORTON,
Director
Office of Export Supply.
[F. R. Doc. 55-8008; Filed, Oct. 3, 1955;
8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5016 et al.]
RIDDLE AIRLINES, INC., NORTH-SOUTH
AIR FREIGHT RENEWAL CASE
NOTICE OF ORAL ARGUMENT

In the matter of the application of Riddle Airlines, Inc., and others for the transportation of air freight, express and mail.
Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 19, 1955, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.
Dated at Washington, D. C., September 28, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner
[F. R. Doc. 55-8014; Filed, Oct. 3, 1955;
8:54 a. m.]

[Docket No. 7301]
OZARK AIR LINES, INC.
NOTICE OF HEARING

In the matter of an investigation into whether the public convenience and necessity require the certification of Ozark Air Lines, Inc., to provide air transportation between Peoria, Illinois, and Fort Dodge, Iowa, via the intermediate points Galesburg, Illinois, Burlington, Ottumwa and Des Moines, Iowa.
Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of the act, that a hearing in the above-entitled proceeding is assigned to be held on October 18, 1955, and 10:00 a. m., c. s. t., at the Hotel Fort Des Moines, Des Moines, Iowa, before Examiner Walter W Bryan.
Notice is further given that any person not a party to the proceeding desiring to be heard in opposition to the matters set forth in the case must file with the Board on or before October 18, 1955, a statement setting forth issues of fact or law

which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with section 302.14' of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.
For further details of the proceeding and issues involved, interested persons are referred to the applications consolidated in the proceeding and to the report of the prehearing conference as well as other documents contained in the official docket in the case on file with the Civil Aeronautics Board.
Dated at Washington, D. C., September 27, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner
[F. R. Doc. 55-8015; Filed, Oct. 3, 1955;
8:55 a. m.]

[Docket No. 7261]
NORTH CENTRAL AIRLINES, INC.,
PERMANENT CERTIFICATION CASE
NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of North Central Airlines, Inc. under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for route 86.
Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned for October 6, 1955, is postponed to October 7, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.
Dated at Washington, D. C., September 29, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner
[F. R. Doc. 55-8016; Filed, Oct. 3, 1955;
8:55 a. m.]

[Docket No. 7280]
TRANS WORLD AIRLINES, INC.
NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Trans World Airlines, Inc., for an amendment of its certificate of public convenience and necessity in foreign air transportation under section 401 of the Civil Aeronautics Act of 1938, as amended.
Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on October 11, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.
Dated at Washington, D. C., September 29, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner
[F. R. Doc. 55-8017; Filed, Oct. 3, 1955;
8:55 a. m.]

[Docket No. 6064 etc.]
CITY OF CEDAR RAPIDS, IOWA, ET AL.
NOTICE OF PREHEARING CONFERENCE
City of Cedar Rapids, Iowa, Docket No. 6064; Rock Island County Airport Authority, Docket No. 6379; Ozark Air Lines, Inc., Docket No. 7192.
Notice is hereby given that a prehearing conference in the above-entitled proceedings is assigned to be held on October 10, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.
Dated at Washington, D. C., September 29, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner
[F. R. Doc. 55-8018; Filed, Oct. 3, 1955;
8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11055, 11059; FCC 55M-817]
AIRCALL, INC., ET AL.
ORDER CONTINUING HEARING
In re applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744-C2-P-54; John W Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276-C2-P-54, for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.
The Hearing Examiner having under consideration informal agreement of the parties with respect to continuance of the above-entitled proceeding;
It is ordered, This 23d day of September 1955, that the hearing now scheduled for September 27, 1955, is continued until October 21, 1955, at 10:00 a. m.
FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.
[F. R. Doc. 55-7966; Filed, Oct. 3, 1955;
8:46 a. m.]

[Docket No. 11404; FCC 55M-816]
NIAGARA BROADCASTING SYSTEM (WNIA)
ORDER CONTINUING HEARING
In re application of Gordon P Brown, tr/as Niagara Broadcasting System (WNIA) Cheektowaga, New York, Docket No. 11404, File No. BMP-6773; for modification of permit to extend completion date.
The Hearing Examiner having under consideration a petition filed by applicant on September 22, 1955, for continuance of the hearing now scheduled for September 26, 1955 until November 7, 1955, to afford time for action by the Commission on a pending petition for reconsideration, and additional time to the applicant to collect evidence and complete the preparation of his case;

It appearing that counsel for the Broadcast Bureau has no objection to the proposed continuance;

It is ordered, This 23d day of September 1955, that the petition for continuance is granted and that the hearing now scheduled for September 26 is continued until Monday, November 7, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-7967; Filed, Oct. 3, 1955; 8:46 a. m.]

[Docket No. 11446 etc., FCC 55M-827]

CERRITOS BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Raymond B. Torian, John W. Doran, Foster Earl Rutledge and Harold B. Shideler, a partnership d/b as The Cerritos Broadcasting Co., Signal Hill, California, Docket No. 11446, File No. BP-8734, Melvin F. Berstler and Roy R. Cone, a partnership d/b as Oceanside-Carlsbad Broadcasting Co., Oceanside, California, Docket No. 11447, File No. BP-9207; Albert John Williams, Inglewood, California, Docket No. 11448, File No. BP-9509; Neil W. Owen and Julia C. Owen, a partnership d/b as Palomar Broadcasting Co., Escondido, California, Docket No. 11449, File No. BP-9676; for construction permits.

The Hearing Examiner having under consideration a Motion for Continuance filed September 15, 1955, on behalf of Palomar Broadcasting Co., and

It appearing that petitioner requests that the date for the prehearing conference herein be continued from Tuesday, October 4, 1955, to a date convenient to the calendar of the Hearing Examiner and the parties hereto, but not earlier than October 25, 1955, and that the date for the hearing be continued from Monday, October 17, 1955, to a date not earlier than November 7, 1955, for the reasons that: (1) it does not appear possible for petitioner to complete certain field intensity measurements prior to October 4, and that after such measurements have been completed applicant Palomar will petition for leave to amend its application; (2) it will not be possible for petitioner to exchange engineering exhibits in accordance with section 1.841 of the Commission's Rules in sufficient time in advance of the October 17 hearing to be of value; and (3) the Commission has not yet ruled on the Petition to Enlarge Issues filed July 29, 1955, on behalf of Palomar, and, as a result, there will not be sufficient time without a continuance for the parties to prepare and exchange the required exhibits prior to the date of hearing as now scheduled, as fully stated in the motion; and

It further appearing that the calendar and other duties of the Hearing Examiner preclude the rescheduling of the prehearing conference prior to the date hereinafter specified, and that the date

for commencing the hearing can best be determined at the time of the prehearing conference; and

It further appearing that no objection to the motion has been filed on behalf of any party and that good cause for granting the motion has been shown; now therefore

It is ordered This 27th day of September 1955, that the Motion for Continuance be and it is granted; that the prehearing conference now scheduled for October 4, 1955, be and it is hereby continued to 10:00 a. m. on Tuesday, November 15, 1955; and that the hearing herein now scheduled for October 17, 1955, be and it is hereby continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-7968; Filed, Oct. 3, 1955; 8:46 a. m.]

[Docket No. 11455 etc., FCC 55M-816]

ROBERT E. BOLLINGER ET AL.

ORDER CONTINUING HEARING

In re applications of Robert E. Bollinger, Portland, Oregon, Docket No. 11455, File No. BP-9320; Mercury Broadcasting Co., Inc. (KLIQ) Portland, Oregon, Docket No. 11456, File No. BP-9400; Docket No. 11457, File No. BP-2266; Albert L. Capstaff & Quenton Cox a partnership, d/b as Capstaff Broadcasting Co., Oreg. Ltd., Portland, Oregon, Docket No. 11458, File No. BP-9565; for construction permits and renewal of license.

At the pre-hearing conference held this date pursuant to the notice issued the 8th day of September 1955, Robert E. Bollinger and Capstaff Broadcasting Co., Oreg. Ltd., were represented by counsel. No person or counsel appeared on behalf of Mercury Broadcasting Co., Inc. (KLIQ)

On August 25, 1955, Robert E. Bollinger filed a petition requesting the Commission to dismiss the application of Mercury Broadcasting Co., Inc. (KLIQ) for failure to file an appearance as required by section 1.387 (a) of the Commission's Rules. On September 12, 1955, Mercury Broadcasting Co., Inc. (KLIQ) filed a petition requesting the Commission to accept its late appearance and stating the reasons why an appearance had not been filed earlier. Both petitions are pending.

It is ordered, This 22d day of September 1955, that the hearing conference be continued until 14 days after the Commission has acted upon the petition of Robert E. Bollinger to dismiss the application of Mercury Broadcasting Co., Inc. (KLIQ) and the petition of Mercury Broadcasting Co., Inc. (KLIQ) to accept late appearance.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] WIL P. MASSING,

Acting Secretary.

[F. R. Doc. 55-7969; Filed, Oct. 3, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-5192 etc.]

GORDON M. CONE ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 23, 1955.

In the matters of Gordon M. Cone, Docket No. G-3302; Warren Petroleum Corporation, Docket No. G-4140; Warren Petroleum Corporation, Docket No. G-4149; Warren Petroleum Corporation, Docket No. G-4164; Frank Hopkins, Trustee, Hubert L. Brown, Jr., Trust Estate, Mary Jane Brown Courtney, Trust Estate, Docket No. G-4536; Texas Gas Products Corporation, Docket No. G-4721, Barnett, Sears and Young, Docket No. G-5180; H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., Docket No. G-4406; L. D. Nutter, Agent for A. J. Heater Lease, O. N. Singleton Leases Nos. 1 & 2, and Bert Prunty Lease, Docket No. G-4768; L. D. Nutter, Agent for A. W. Carter and Lucy Ball Leases, Docket No. G-4804, Western Natural Gas Company, Docket No. G-4882; H. L. Brown, Docket No. G-5160; Barnett and Rector, Docket No. G-5188; Phil E. Cochran, Docket No. G-5205; Pass & Vercels, et al., Docket No. G-5802.

Notice is hereby given that on September 16, 1955, the Federal Power Commission issued its findings and orders adopted September 14, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

LEON M. FUGATE,

Secretary.

[F. R. Doc. 55-7973; Filed, Oct. 3, 1955; 8:47 a. m.]

[Docket No. G-3625]

JACKSON BROTHERS

NOTICE OF APPLICATION AND DATE OF HEARING FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 23, 1955.

Take notice that Clyde D. & Carl D. Jackson, dba Jackson Brothers (Applicant) independent producers of natural gas, with a principal office in Parkersburg, West Virginia, filed on September 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Murphy District, Ritchie County West Virginia, which is sold in interstate commerce to Sam T. Mallison, S. M. Vockel, C. E. Young and H. R. Jackson, Trustees for Fenova Interests for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 7, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7974; Filed, Oct. 3, 1955;
8:47 a. m.]

[Docket No. G-9175]

TENNESSEE GAS TRANSMISSION CO.
NOTICE OF APPLICATION FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
SEPTEMBER 28, 1955.

Take notice that Tennessee Gas Transmission Company (Applicant) a Delaware corporation, having its principal place of business in Houston, Texas, filed an application on July 24, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission, and open for public inspection.

Applicant proposes to increase the daily contract quantity of natural gas being delivered to The Peoples Natural Gas Company (Peoples) from 25,000 Mcf to 40,000 Mcf, and to utilize natural gas facilities made the subject of an application in Docket No. G-8805, wherein the construction and operation of facilities are contemplated which will increase both Applicant's average and peak day capacity. The proposed new facilities will provide 32,196 Mcf (14.73 p. s. i. a.) of unallocated capacity, a portion of which will be used to render the increased service to Peoples.

Protests or petitions to intervene may be filed with the Federal Power Commission,

Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 17, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7975; Filed, Oct. 3, 1955;
8:47 a. m.]

[Docket No. G-6505]

DORCHESTER CORP.

ORDER FIXING DATE OF HEARING

On December 6, 1954, Dorchester Corporation (Dorchester) tendered for filing its Supplement No. 4 to its FPC Gas Rate Schedule No. 2, providing for an increase to 10 cents of its rate for gas sold to Natural Gas Pipeline Company of America (Natural). By order issued December 29, 1954, the Commission suspended the proposed change in rates until March 1, 1955, and directed that a hearing be held upon a date to be fixed by further notice concerning the lawfulness of such proposed changes in rates and charges.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's Rules and Regulations, including Rules of Practice and Procedure (18 CFR Chapter I) a public hearing be held commencing on October 11, 1955, at 10:00 a. m. e. s. t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the lawfulness of the proposed change in rates and charges.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: September 28, 1955.

Issued: September 28, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7976; Filed, Oct. 3, 1955;
8:48 a. m.]

[Docket No. G-8559]

OLIN GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

On March 10, 1955, the Commission issued its order suspending proposed tariff changes filed by Olin Gas Transmission Corporation (Applicant) and providing for a hearing to be held at a date to be thereafter fixed concerning the lawfulness of the rates, charges, classifications and services, or any of them, subject to the jurisdiction of the Commission.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the

Natural Gas Act, and the Commission's General Rules of Practice and Procedure (18 CFR, Chapter I) a public hearing be held on October 24, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above entitled proceedings.

(B) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to the proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct. Upon request of any party to the proceeding, including Staff Counsel, the hearing shall be recessed by the Presiding Examiner for such time or times as the Examiner may find appropriate and reasonable to permit proper preparation of such cross-examination.

(C) Following the presentation of Applicant's case and cross-examination, as provided in paragraph (B), other parties may present their testimony and evidence with respect to the issues in these proceedings.

(D) In the interest of expedition, Applicant shall, not later than 5 days next preceding the date hereinbefore fixed for the commencement of the hearings herein, serve upon the parties to these proceedings copies of all testimony and exhibits they propose to offer at the hearing, including five (5) copies thereof upon Commission Staff Counsel.

(E) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 28, 1955.

Issued: September 28, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7977; Filed, Oct. 3, 1955;
8:48 a. m.]

FEDERAL TRADE COMMISSION

[File No. 485]

STEEL BOBBY PIN AND HAIR PIN
MANUFACTURING INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Steel Bobby Pin and Hair Pin Manufacturing Industry will be held by the Federal Trade Commission in Room 332 of the Commission Building, Washington, D. C., on October 26, 1955, commencing at 10 a. m., e. s. t.

All persons, firms, corporations, and organizations engaged in the production and sale of steel bobby pins and hair pins are cordially invited to attend and participate in the conference proceedings.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to Commission approval, a comprehensive set of trade practice rules for the industry designed to elimi-

nate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

Subsequent to the conference on October 26, and before final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing, the time and place of which will be announced by the Commission.

Issued: September 29, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-7978; Filed, Oct. 3, 1955;
8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Expansion Goal No. 20, Revision 1]

CHROMITE, CHEMICAL GRADE

1. The expansion goal for the supply of chromite of chemical grade for chemical use, consisting of domestic production and imports, is hereby set at an annual rate of 225,000 long tons to be reached by December 31, 1956.

2. This level of domestic production and imports should be maintained through 1959.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7988; Filed, Oct. 3, 1955;
8:49 a. m.]

[Expansion Goal No. 55, Revision 3]

ELECTRIC POWER

1. The expansion goal for electric power is hereby modified to require the filing of applications for tax amortization by December 31, 1955, in order to be eligible for consideration.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7993; Filed, Oct. 3, 1955;
8:51 a. m.]

[Expansion Goal No. 56, Revision 1]

COPPER

1. The expansion goal for the supply of copper, including ore; imports and old scrap, is hereby set at 2,270,000 short tons annually by December 31, 1955.

2. This revision alters the previous goal only by advancing the target date

No. 193—5

from "beginning with the year 1955" to December 31, 1955.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7935; Filed, Oct. 3, 1955;
8:49 a. m.]

[Expansion Goal No. 64, Revision 2]

MERCURY

1. The expansion goal for the annual supply of mercury is hereby set at 30,000 flasks by December 31, 1957.

2. This revision alters the previous goal, Revision 1, only by advancing the target date to December 31, 1957.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7984; Filed, Oct. 3, 1955;
8:49 a. m.]

[Expansion Goal No. 65, Revision 3]

DOMESTIC PETROLEUM REFINING CAPACITY

1. The expansion goal for the construction of crude oil refining capacity in excess of abandonment is hereby set at 9,000,000 b/d to be achieved by January 1, 1957.

2. This revision represents an increase of 250,000 b/d over that established in Revision 2, issued October 20, 1953, with an achievement date of January 1, 1956.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7930; Filed, Oct. 3, 1955;
8:50 a. m.]

[Expansion Goal No. C3, Revision 4]

FREIGHT CARS

1. This expansion goal is modified to include cars for which firm orders have been placed, or, in case of company-built cars, for which construction has been authorized on or before December 31, 1955.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7883; Filed, Oct. 3, 1955;
8:49 a. m.]

[Expansion Goal No. 78, Revision 1]

TRANSFORMERS, DISTRIBUTION

1. The expansion goal for Transformers, Distribution, is hereby modified (a)

to require the filing of applications for tax amortization by December 31, 1955, in order to be eligible for consideration and (b) to extend the completion date for this capacity to December 31, 1956.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7836; Filed, Oct. 3, 1955;
8:51 a. m.]

[Expansion Goal No. 82, Revision 3]

GLYCERIN

1. The expansion goal for the domestic production of glycerin is hereby set at an annual capacity of 325 million pounds by June 30, 1957.

2. Assuming an average annual potential production of natural glycerin of 140 million pounds annually, the present expansion goal calls for synthetic or "fermentation" glycerin capacity of 185 million pounds, an increase of 70 million pounds over the current available synthetic or fermentation capacity.

3. Applications for certificates of necessity under this goal must be filed by June 30, 1956.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7932; Filed, Oct. 3, 1955;
8:49 a. m.]

[Expansion Goal No. 122, Revision]

HIGH VOLTAGE SWITCHGEAR

1. The expansion goal for high voltage switchgear is hereby modified, (a) to require the filing of applications for tax amortization by December 31, 1955, in order to be eligible for consideration, and (b) to extend the completion date for this capacity to December 31, 1956.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7332; Filed, Oct. 3, 1955;
8:59 a. m.]

[Expansion Goal No. 142, Revision 2]

COMMERCIAL AIRCRAFT

1. The expansion goal for commercial carrier aircraft is hereby set at 300 aircraft, for which firm orders must be placed by December 31, 1955.

2. This revision represents an increase in 300 aircraft over the original goal of 600 set on August 1, 1952.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7334; Filed, Oct. 3, 1955;
8:51 a. m.]

[Expansion Goal No. 163, Revision 2]

RUTILE

1. The expansion goal for the U. S. supply of rutile from both domestic and foreign sources is hereby set at 35,000 tons per year to be achieved by December 31, 1955.

2. This revision represents an increase in annual supply of 10,000 tons over that established in Revision 1, issued on September 18, 1952, and an increase of approximately 16,000 tons over existing capacity in 1951.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7988; Filed, Oct. 3, 1955;
8:50 a. m.]

[Expansion Goal No. 178, Revision 1]

SELENIUM

1. The expansion goal for the supply of selenium from domestic primary sources is hereby set at 1.2 million pounds annually to be reached by June 30, 1958.

2. This revision calls for a greater annual supply than that of the previous goal. It also excludes from the goal any imports of selenium and selenium bearing materials, as well as advancing the target date to June 30, 1958.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7989; Filed, Oct. 3, 1955;
8:50 a. m.]

[Expansion Goal No. 187, Revision 1]

MANGANESE ORE, BATTERY AND CHEMICAL GRADES

1. The expansion goal for the U. S. annual supply of manganese ore of battery and chemical grades is hereby set at a combined total of 110,000 long tons by December 31, 1955. At least two-thirds of this manganese ore shall fully qualify as battery grade.

2. This revision alters the previous goal only by advancing the target date to December 31, 1955.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7987; Filed, Oct. 3, 1955;
8:49 a. m.]

[Expansion Goal No. 206, Revision 2]

LABORATORIES, RESEARCH AND DEVELOPMENT

1. The expansion goal for Laboratories, Research and Development, is hereby modified to cover only labora-

tories having contracts directly related to defense research and development and provides for construction to be completed by December 31, 1956.

2. This revision represents a change in the completion date of January 1, 1956 and a change in the types of facilities for which certificates will be granted, from that stated in Revision 1, dated February 15, 1954.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7991; Filed, Oct. 3, 1955;
8:50 a. m.]

[Expansion Goal No. 207, Revision 1]

ALKYLATE

1. The expansion goal for alkylate is hereby set at 55,000 b/d to be achieved by January 1, 1957.

2. This revision represents an increase in productive capacity of 25,000 barrels per day over that established on April 10, 1953.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7981; Filed, Oct. 3, 1955;
8:49 a. m.]

[Expansion Goal No. 226]

OIL AND GAS PIPELINES AND PETROLEUM STORAGE FACILITIES

1. Expansion Goal No. 226, Oil and Gas Pipelines and Petroleum Storage Facilities (Specific Defense Programs) is hereby established for the following purposes:

a. Oil and gas pipelines running directly to military installations or AEC projects.

b. Petroleum storage facilities erected solely for military use.

Dated: September 29, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-7995; Filed, Oct. 3, 1955;
8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3393]

UNION ELECTRIC CO. OF MISSOURI AND
UNION ELECTRIC POWER CO.

ORDER RELEASING JURISDICTION IN RESPECT
OF FEES AND EXPENSES

SEPTEMBER 28, 1955.

The Commission having, by order issued August 5, 1955, granted the application and permitted to become effective the declaration of Union Electric Company of Missouri ("Union Electric"), a

registered holding company and a public utility company, and its public utility subsidiary, Union Electric Power Company ("Union Power"), in respect of the acquisition by Union Electric of the property and assets of Union Power and the dissolution of Union Power; and

The Commission having reserved jurisdiction over the fees and expenses of counsel and of the independent engineers and an amendment having been filed wherein it is stated that the fee to be paid to Keefe, Doerner, Schlafly & Griesedieck general counsel for Union Electric, is \$5,000, the fee to be paid to Pope and Driemeyer, counsel for Union Power and also Illinois counsel for Union Electric, is \$3,000, and that the fee to be paid to Kinsey and Brockoff, independent engineers for Union Electric, is \$500; and

It appearing that such fees are not unreasonable, and, that it is appropriate that the jurisdiction heretofore reserved in respect of such fees should be released:

It is ordered, That the jurisdiction reserved in the order of August 5, 1955 in respect of fees and expenses of counsel and engineers be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-8005; Filed, Oct. 3, 1955;
8:53 a. m.]

[24SF-1076]

METAL & MINES CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING
SEPTEMBER 28, 1955.

I. Metal & Mines Company, 1011 East Fourth Street, Reno, Nevada, having filed with the Commission on October 13, 1954, a Notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 2,950,000 shares Class A common stock, 10 cents par value, at 10 cents per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3 (b) thereof and Regulation A promulgated thereunder and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the Notification and offering circular filed as part thereof contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The issuer owns certain manganese mining claims known as the Blackbird group and the Black Prince group;

2. The issuer has under option and proposes to acquire certain copper claims known as Bonanza Copper Claims;

3. The issuer has under option and proposes to acquire certain uranium claims known as the Tulane group and the Dixie B group;

4. The issuer's sole liabilities consist of 1,000,000 shares of its Class A common stock outstanding issued in exchange for the Blackbird and Black Prince manganese claims;

5. The failure to disclose the agreement to issue up to 6,000,000 further shares of stock to promoters on the basis of 2 shares for each 1 share of stock to be otherwise issued or sold;

6. The failure to disclose the public would hold only 30 percent of the outstanding stock, while the promoters would hold 70 percent, if all the shares were sold; and

7. The failure to disclose a contingent liability resulting from sales of the issuer's stock in violation of section 5 of the act,

B. That the use of said offering circular in connection with the offering of the issuer's securities would and did operate as a fraud or deceit upon the purchasers.

III. *It is ordered* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered That this Order and Notice shall be served upon Metal & Mines Company and C. Ray Lawyer, 2911 Shattuck Avenue, Berkeley, California, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-8006; Filed, Oct. 3, 1955;
8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 53]
ATLANTIC AND EAST CAROLINA RAILWAY CO.
REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W Taylor,
Agent, The Atlantic and East Carolina

Railway Company, due to washout between New Bern and Havelock, North Carolina, is unable to transport traffic routed over its line between these points.

It is ordered, That:

(a) Rerouting traffic: The Atlantic and East Carolina Railway Company is hereby authorized to reroute or divert traffic moving over its line between New Bern and Havelock, North Carolina, due to washout, over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a. m., September 26, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., November 30, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 26, 1955.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W TAYLOR,
Agent.

[F. R. Doc. 55-8011; Filed, Oct. 3, 1955;
8:54 a. m.]

[No. MC-C-1854]

NEW ENGLAND MOTOR RATE INCREASES— 1955

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of September, A. D. 1955.

Upon consideration of a petition of the New England Motor Rate Bureau, Inc., on behalf of member motor common carriers, filed August 29, 1955, stating that substantial increases in the wages and employees of motor common carriers operating in interstate and foreign commerce in New England territory, as hereinafter described, retroactive to April 11, 1955, necessitate an immediate general increase of 6 percent in the rates and charges of the said motor common carriers; and praying for an early hearing and decision and the entry of an order of this Commission thereon requiring that all rates and charges of said motor common carriers as so increased be maintained for a period of not less than 90 days; and good cause appearing therefor:

It is ordered, That an investigation be, and the same is hereby, instituted into and concerning the reasonableness and lawfulness of the rates and charges, except on household goods, as defined by the Interstate Commerce Commission, livestock, lumber, commodities in bulk transported in dump trucks, and in tank trucks, of motor common carriers engaged in operations in interstate and foreign commerce between points in New England territory, as described in New England Motor Carrier Rates, 8 M. C. C., 287, at pages 330 and 331, and Motor Carrier Rates in New England, 49 M. C. C. 196, which descriptions are hereby referred to and made parts hereof, with a view to determining whether the said general increase, or other increase in rates and charges, should be authorized, or other relief, as prayed in the said petition, granted, and making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That all common carriers by motor vehicle engaged in the transportation of property as described in the preceding ordering paragraph be, and they are hereby, made respondents in this proceeding.

And it is further ordered, That notice of this proceeding be given to the respondents and to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-8912; Filed, Oct. 3, 1955;
8:54 a. m.]

